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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LONZELL GREEN,

Plaintiff,

No. CIV S-07-2487 LKK DAD P

vs.

JAMES WALKER, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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By order filed February 26, 2009, plaintiff's amended complaint was dismissed and thirty days leave to file a second amended complaint was granted. On March 27, 2009, plaintiff was granted an additional thirty days to file a second amended complaint. On May 11, 2009, plaintiff was granted one final thirty day extension of time to file a second amended complaint and was cautioned that no further extensions of time would be granted for this purpose. The time period has now expired, and plaintiff has not filed a second amended complaint or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty

1 days after being served with these findings and recommendations, plaintiff may file written  
2 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
3 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
4 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
5 F.2d 1153 (9th Cir. 1991).

6 DATED: June 30, 2009.

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10 DALE A. DROZD  
11 UNITED STATES MAGISTRATE JUDGE

10 DAD:lg  
11 gree2487.fta.ext