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

10 JARVIS WADE JACKSON,

11 Plaintiff,

No. CIV S-07-2538 GEB EFB P

12 vs.

13 K. PURCELL, et al.,

14 Defendants.

FINDINGS AND RECOMMENDATIONS

15 _____/
16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
17 U.S.C. § 1983. On October 27, 2008, the court dismissed plaintiff's complaint for failure to state
18 a cognizable claim against any defendant. The dismissal order explained the complaint's
19 deficiencies, gave plaintiff 30 days to file an amended complaint correcting those deficiencies,
20 and warned plaintiff that failure to file an amended complaint would result in a recommendation
21 that this action be dismissed for failure to state a claim.

22 The 30-day period has expired and plaintiff has not filed an amended complaint or
23 otherwise responded to the court's order.¹

24 _____
25 ¹ Although it appears from the file that plaintiff's copy of the order was returned,
26 plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his
current address at all times. Pursuant to Local Rule 83-182(f), service of documents at the
record address of the party is fully effective.

1 Accordingly, it is hereby RECOMMENDED that this action be dismissed with prejudice
2 for failure to state a claim. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(g).

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
8 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
9 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: January 23, 2009.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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