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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	BILLY DRIVER,
11	Plaintiff, No. CIV S-08-1910 GEB EFB P
12	VS.
13	MARTEL, et al.,
14	Defendants. <u>FINDINGS AND RECOMMENDATIONS</u>
15	/
16	Plaintiff is a prisoner without counsel suing for alleged civil rights violations. See 42
17	U.S.C. § 1983. On February 25, 2009, the court dismissed plaintiff's complaint for failure to
18	state 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. On April 22, 2009, the court granted
22	plaintiff an additional 30 days in which to file his amended complaint.
23	The 30-day period has expired and plaintiff has not filed an amended complaint or
24	otherwise responded to the court's order.
25	Accordingly, it is hereby RECOMMENDED that this action be dismissed for failure to
26	state a claim. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(g).
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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)(l). Within twenty days
after being served with these findings and recommendations, any party may file written
objections with the court and serve a copy on all parties. Such a document should be captioned
"Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).
Dated: July 16, 2009.

EDMUND F. BRÉNNAN UNITED STATES MAGISTRATE JUDGE