

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MARIO WOOTEN,

Plaintiff,

No. CIV S-08-2745 DAD P

vs.

MICHELLE TUPPER BROWN,
et al.,

Defendants.

ORDER AND
FINDINGS AND RECOMMENDATIONS

_____ /
By order filed March 6, 2009, plaintiff's complaint was dismissed and he was granted 30 days in which to file an amended complaint was granted. On March 18, 2009, plaintiff was granted an additional 120 days to file his amended complaint. On June 3, 2009, plaintiff was granted one final extension of 120 days to file an amended complaint and was admonished that no further extensions of time would be granted for this purpose. The entire period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a United States District Judge to this action;

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

1 These findings and recommendations are submitted to the United States District
2 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 20 days
3 after being served with these findings and recommendations, plaintiff may file written objections
4 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
5 and Recommendations.” Plaintiff is advised that failure to file objections within the
6 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
7 F.2d 1153 (9th Cir. 1991).

8 DATED: October 26, 2009.

9
10 
11 _____
12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

11 DAD:lg
12 woot2745.fta