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

CHARLES TAYLOR,

Plaintiff,

No. CIV S-08-3013 MCE DAD P

vs.

R. BARNES, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed March 31, 2009, plaintiff’s complaint was dismissed and he was granted thirty days in which to file an amended complaint. On May 14, 2009, the court issued findings and recommendations recommending that this action be dismissed due to plaintiff’s failure to file an amended complaint as directed. On July 20, 2009, the findings and recommendations were vacated and plaintiff was granted an additional thirty days to file an amended complaint. On September 4, 2009, plaintiff was granted yet another thirty days to file an amended complaint. That period has now expired, and plaintiff has still not filed an 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).

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 twenty
3 days after being served with these findings and recommendations, plaintiff may file written
4 objections with the court. The document should be captioned "Objections to Magistrate Judge's
5 Findings 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.

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

12 DAD:lg
13 tayl3013.fta(2)