

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

ANTHONY DURHAM,

Plaintiff,

No. CIV S-09-0331 MCE EFB PS

vs.

STATE OF CALIFORNIA (SOLANO
STATE PRISON); WARDEN JOHN W.
HAVELAND; P. REAGAN; and
J. DELGADILLO,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /
This action in which plaintiff is proceeding *in propria persona*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1). On September 27, 2010, the assigned district judge adopted this court’s findings and recommendations, dismissed some defendants without leave to amend and dismissed plaintiff’s complaint with leave to amend. That order granted plaintiff thirty days in which to file a second amended complaint and admonished plaintiff that failure to do so would result in a recommendation that this action be dismissed. By orders filed October 28, 2010 and February 2, 2011, plaintiff was granted extensions of time within which to file the second amended complaint.

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

Despite extensions of time totaling 150 days, the time to act has now expired and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

Accordingly, it is hereby RECOMMENDED that this action be dismissed.

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 fourteen 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: April 21, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE