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

NICHOLAS ANTHONY RUGGIERO,

Plaintiff,

No. CIV S-09-0823 MCE EFB PS

vs.

DIRECTOR/CHIEF IN CHARGE
OF VOLUNTEERS OF AMERICA,
et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____/

This action, in which plaintiff is proceeding *in propria persona*, was referred to the undersigned under Local Rule 302(c)(21), pursuant to 28 U.S.C. § 636(b)(1). On August 21, 2009, the court dismissed plaintiff’s complaint with leave to amend. The order explained the complaint’s deficiencies, gave plaintiff thirty days to file an amended complaint correcting those deficiencies, and warned plaintiff that failure to file an amended complaint would result in a recommendation that this action be dismissed. Dckt. No. 4.

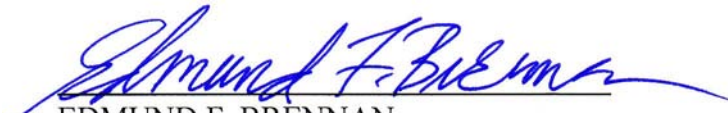
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1 The thirty-day period has expired and plaintiff has not filed an amended complaint or
2 otherwise responded to the order.¹

3 Accordingly, it is hereby RECOMMENDED that this action be dismissed without
4 prejudice, and that the Clerk be directed to close this case. *See* Fed. R. Civ. P. 41(b); Local Rule
5 110.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, plaintiff may file written
9 objections with the court. Such a document should be captioned “Objections to Magistrate
10 Judge’s Findings and Recommendations.” Failure to file objections within the specified time
11 may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455
12 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

13 DATED: February 1, 2010.

14 
15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE

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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 182(f), service of documents at the record
address of the party is fully effective.