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

KARMEN KERRY,

Plaintiff,

No. CIV S-09-1879 FCD EFB PS

vs.

THE STATE OF CALIFORNIA,
et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /
This action, in which plaintiff is proceeding *in propria persona*, was referred to the undersigned under Eastern District of California Local Rule (“Local Rule”) 72-302(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. Dckt. No. 10. 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.

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

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1 Accordingly, it is hereby RECOMMENDED that this action be dismissed without
2 prejudice, and that the Clerk be directed to close this case. *See* Fed. R. Civ. P. 41(b); Local Rule
3 11-110.

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

11 DATED: October 26, 2009.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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