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

EDUARDO J. ESPINOZA,

Plaintiff,

No. CIV S-09-2662 GEB DAD PS

vs.

SACRAMENTO COUNTY SHERIFFS  
and SAC. COUNTY FIRE DEPT,

Defendants.

FINDINGS AND RECOMMENDATIONS

By order dated November 10, 2009, plaintiff's complaint was dismissed with leave to file an amended complaint that complies with the applicable rules and the court's order. The pro se plaintiff was granted thirty days from the date of the order to file an amended complaint. Plaintiff was cautioned that failure to file a timely amended complaint will result in a recommendation that this action be dismissed without prejudice. The thirty-day period has now expired, and plaintiff has not responded to the court's order in any manner.

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

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21) days after being served with these findings and recommendations, plaintiff may

1 file written objections with the court. A document containing any objections should be titled  
2 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that  
3 failure to file objections within the specified time may waive the right to appeal the District  
4 Court's order. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: December 17, 2009.

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9 DALE A. DROZD  
10 UNITED STATES MAGISTRATE JUDGE

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