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

COREY D. SPECK,

Plaintiff,
vs.

No. 2:09-cv-3440 GEB EFB P

SHASTA COUNTY SHERIFF
DEPARTMENT, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

Plaintiff is a former inmate proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On November 19, 2012, the court screened plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A, and informed plaintiff that he could proceed on his claims against certain defendants, or alternatively, that he could amend his complaint to attempt to cure the complaint's deficiencies, which were identified for plaintiff in the order. Dckt. No. 17. The court also warned plaintiff that failure to do so would result in a recommendation that this action be dismissed. The time for acting has passed and plaintiff has not returned documents for service of process, filed an amended complaint, or otherwise responded to the court's order. Thus, it appears as though plaintiff has abandoned his case. Moreover, a party's failure to comply with

1 any order or with the Local Rules “may be grounds for imposition by the Court of any and all
2 sanctions authorized by statute or Rule or within the inherent power of the Court.” E.D. Cal.
3 Local Rule 110. The court may recommend that an action be dismissed with or without
4 prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*,
5 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in dismissing *pro se*
6 plaintiff’s complaint for failing to obey an order to re-file an amended complaint to comply with
7 Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
8 (dismissal for *pro se* plaintiff’s failure to comply with local rule regarding notice of change of
9 address affirmed).

10 Accordingly, it is hereby RECOMMENDED that this action be dismissed without
11 prejudice. Fed. R. Civ. P. 41(b); E.D. Cal. Local Rule 110.

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

19 Dated: December 20, 2012.

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22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
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