

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

KENNETH SMITH,

Plaintiff,

No. CIV S-10-1504 FCD EFB PS

vs.

U.C. DAVIS MEDICAL CENTER,

FINDINGS AND RECOMMENDATIONS

Defendant.

\_\_\_\_\_ /

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 July 20, 2010, 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. 3.

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

\_\_\_\_\_

<sup>1</sup> Although it appears from the file that plaintiff’s copy of the order was returned, 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

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  
3 110.

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 fourteen 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: September 22, 2010.

12   
13 EDMUND F. BRENNAN  
14 UNITED STATES MAGISTRATE JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

25 \_\_\_\_\_  
26 address of the party is fully effective.