

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

CHRISTOPHER D. SCHNEIDER,

Plaintiff,

No. 2:10-cv-3242-TLN-EFB PS

vs.

AMADOR COUNTY; LINDA
VAN VLECK; JOHN HAHN;
SUSAN GRAIJILIVA; CARA
AUGUSTINE, and DOES 3-40,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /
This action, in which plaintiff is proceeding *pro se*, was referred to the undersigned under Eastern District of California Local Rule 302(c)(21), pursuant to 28 U.S.C. § 636(b)(1). On March 8, 2013, the undersigned issued an order and findings and recommendations which recommended that plaintiff’s second amended complaint be dismissed in its entirety with leave to amend some of plaintiff’s claims. Dckt. No. 52. Those findings and recommendations were adopted on March 28, 2013, and plaintiff’s second amended complaint was dismissed. Dckt. No. 57. Plaintiff was given forty-five days to file a third amended complaint. *Id.* at 2.

On May 13, 2013, rather than filing a third amended complaint, plaintiff filed an ex parte application indicating that he “elects to stand on the allegations contained in [his second amended complaint] (and any other filings), and to have a final appealable order.” Dckt. No. 59.

1 In light of that filing, IT IS HEREBY RECOMMENDED that this action be dismissed with
2 prejudice and that the Clerk be directed to close this case.

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

10 Dated: May 15, 2013.

11 
12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26