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

CURTIS M. JOHN-CHARLES,

Plaintiff,

No. CIV S-11-0568 KJM GGH P

vs.

GARY SWARTHOUT, et. al.,

Defendants.

FINDINGS & RECOMMENDATIONS

\_\_\_\_\_/

By order filed June 17, 2011, the court granted plaintiff twenty-eight days to file a second amended complaint. In the June 17th order, the court informed plaintiff of the deficiencies in his first amended complaint. The twenty-eight day period has now expired, and plaintiff has not filed a second amended complaint or otherwise responded to the court's order.<sup>1</sup>

For the reasons given in the June 17th, order, 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 are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written

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<sup>1</sup> Mail sent to plaintiff has been returned as undeliverable, but plaintiff has failed to inform the court of an updated address.

1 objections with the court and serve a copy on all parties. Such a document should be captioned  
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
3 shall be served and filed within fourteen days after service of the objections. The parties are  
4 advised that failure to file objections within the specified time may waive the right to appeal the  
5 District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: September 9, 2011

7 /s/ Gregory G. Hollows  
8 UNITED STATES MAGISTRATE JUDGE

9 GGH: AB  
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