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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL S. DAVIS,  
Plaintiff,  
v.  
C. CARLTON, et al.,  
Defendants.

No. 2:11-cv-1100 TLN KJN P

FINDINGS & RECOMMENDATIONS

By order filed December 12, 2013, plaintiff’s complaint was dismissed and thirty days leave to file an amended complaint was granted. On August 20, 2014, plaintiff was granted an additional sixty days in which to file an amended complaint. Sixty days from that date have now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.<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

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<sup>1</sup> On September 12, 2014, plaintiff filed untimely objections to the July 11, 2014 findings and recommendations. (ECF No. 29.) The findings and recommendations were vacated by the August 20, 2014 order. (ECF No. 28.) Moreover, in his objections, plaintiff stated that he would be released from Los Angeles County custody on September 16, 2014, and sought an extension of time until October 16, 2014, to file an amended complaint. The court granted plaintiff until October 20, 2014, in which to file his amended complaint.

1 address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of  
2 the party is fully effective.

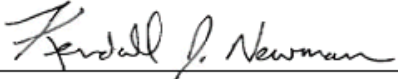
3 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without  
4 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

5 These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, plaintiff may file written objections  
8 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings  
9 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
10 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153  
11 (9th Cir. 1991).

12 Dated: October 28, 2014

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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