

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

C.D. ALSTON,

Plaintiff,

No. 2:11-cv-2078 JAM GGH PS

vs.

PAUL TASSONE, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

On June 22, 2012, the undersigned issued findings and recommendations (adopted in full by the district judge) dismissing with prejudice some of plaintiff’s claims and requiring her to amend the surviving claims and file a second amended complaint. Dkt. 31 at 24; Dkt. 34. Specifically, in light of the “hodgepodge fashion” in which the remaining claims appeared in the operative complaint, plaintiff was required to amend her pleading to set forth separate causes of action for each of the surviving claims against defendants Tassone and Smith. Dkt. 31 at 24. She was further directed to refrain from referring to other statutes, laws or constitutional provisions in these causes of action and from combining claims within a single cause of action. Id. Plaintiff was given until August 24, 2012 to file her amended complaint. See Dkt. 34 at 2. That date has long since passed, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

1 Plaintiff has apparently decided to rest on the dismissed claims and has failed to
2 comply with the court's order requiring her to amend. For the reasons given in the June 22,
3 2012, order, IT IS HEREBY RECOMMENDED that this action be dismissed with prejudice.
4 See Local Rule 11-110; Fed. R. Civ. P. 41(b).

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

12 DATED: October 23, 2012

13
14 /s/ Gregory G. Hollows
15 UNITED STATES MAGISTRATE JUDGE

16 GGH9
17 Alston2078.fta
18
19
20
21
22
23
24
25
26