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

ROLANDO REINER DENEKE,

Plaintiff,

No. CIV S-11-2368 GGH P

vs.

MATTHEW CATE, et al.,

ORDER &

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

By order filed September 30, 2011, the court granted plaintiff twenty-eight days to file an amended complaint. In the September 30th order, the court informed plaintiff of the deficiencies in his original complaint. The twenty-eight day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court's order.¹

IT IS HEREBY ORDERED that a district judge be assigned to this case.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice for failure to follow court orders and for the reasons set forth in the September 30th order. See Local Rule 110; Fed. R. Civ. P. 41(b).

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

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

DATED: November 29, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH: AB
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