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MAURICE WOODSON, 10

11 Plaintiff, No. 2: 11-cv-2477 MCE DAD P

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

VS.

13 MASTERSON, et al.,

14

Defendants. FINDINGS & RECOMMENDATIONS

By order filed April 5, 2012, plaintiff's complaint was dismissed and he was granted leave to file an amended complaint. On May 3, 2012, plaintiff filed an amended complaint, but on May 21, 2012, plaintiff filed a motion for an extension of time to file a "complete" amended complaint. Under those circumstances, on August 2, 2012, the court disregarded plaintiff's May 3, 2012 amended complaint and granted plaintiff's motion for an extension of time to file a complete amended complaint. (See Dkt. No. 16.) Thereafter, plaintiff sought another extension of time to file an amended complaint. (See Dkt. No. 17.) Plaintiff's request was granted and he was given until October 2, 2012 to file his amended complaint as requested. (See Dkt. No. 18.) However, to date, plaintiff has still not filed an amended complaint or otherwise responded to the order requiring his amended complaint be filed by October 2, 2012.

Accordingly, 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, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is 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: October 26, 2012.

DAD:dpw wood2477.fta

UNITED STATES MAGISTRATE JUDGE

le A. Dogd