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

THOMAS L. GOFF,

Plaintiff,

No. 2:12-cv-0009 GEB GGH P

vs.

M. SALINAS, et al.,

Defendants.

ORDER and

FINDINGS & RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis who seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff’s complaint was dismissed with leave to amend on January 27, 2012. Plaintiff has been given several extensions and the amended complaint was due on June 3, 2012. Plaintiff was also informed that no more extensions would be provided. On June 6, 2012, plaintiff filed a motion to amend seeking an “open” amount of time for leave to amend. Plaintiff’s motion is denied as he has already been provided several months of extensions. Plaintiff states he needs more time to obtain materials and perform research, yet the amended complaint only requires an amendment of plaintiff’s factual allegations as described by the undersigned in screening order. As plaintiff has failed to file an amended complaint this action should be dismissed.

Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion to amend (Doc. 14) is denied.

1 IT IS HEREBY RECOMMENDED that this action be dismissed for the reasons
2 set forth in the January 27, 2012, screening order and for failure to follow court instructions to
3 file an amended complaint. See Local Rule 110; Fed. R. Civ. P. 41(b).

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

12 DATED: July 2, 2012

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

14 GGH: AB
15 goff0009.ord