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

TAUNO A. KOIVISTO, III,

Plaintiff,
vs.

No. 2:12-cv-0772 EFB P

JIMMY WALKER, et al.,

Defendants.

ORDER AND
FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). *See* 28 U.S.C. § 636.

On August 2, 2012, the court dismissed plaintiff’s complaint, explained the complaint’s deficiencies, gave plaintiff 30 days to file an amended complaint correcting those deficiencies, and warned plaintiff that failure to file an amended complaint would result in a recommendation that this action be dismissed. The 30-day period has expired and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

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1 Accordingly, it is hereby ORDERED that the Clerk of the Court randomly assign a
2 United States District Judge to this action.

3 Further, it is hereby RECOMMENDED that this action be dismissed without prejudice.
4 28 U.S.C. § 1915A; Fed. R. Civ. P. 41(b); E.D. Cal. Local Rule 110.

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, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
10 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: September 17, 2012.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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