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

PABLO COBB,

Plaintiff,

No. 2:12-cv-1666 GGH P

vs.

COOK, et al.

Defendants.

ORDER and

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis who seeks relief pursuant to 42 U.S.C. § 1983.

By order filed September 25, 2012, the court determined that plaintiff had stated a colorable claims against defendants Cook and Akintola, but not against defendant Weinholdt. See Doc. No. 7. The court accordingly dismissed the complaint with leave to amend, in order to give plaintiff an opportunity to amend his claims against defendant Weinholdt. Id. The court specifically advised plaintiff that, if he failed to file an amended complaint, the action would proceed only against defendants Cook and Akintola. Id. To date, plaintiff has not filed an amended complaint.

Accordingly, IT IS HEREBY ORDERED that the Clerk assign a district judge to this action; and

1 IT IS HEREBY RECOMMENDED that defendant Weinholdt be dismissed from
2 this action without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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

11 DATED: November 14, 2012

12
13 /s/ Gregory G. Hollows
14 UNITED STATES MAGISTRATE JUDGE
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