UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN HEMSLEY,

Plaintiff,

v.

G. SWARTHOUT, et al.,

Defendants.

No. 2:12-cv-2930-JAM-EFB P

FINDINGS AND RECOMMENDATIONS

By order filed April 16, 2014, plaintiff's first amended complaint was dismissed and thirty days leave to file a second amended complaint was granted. More than thirty days from that date have now passed, and plaintiff has not filed a second amended complaint, or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b); E.D. Cal. Local Rule 110.

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)(l). Within fourteen (14) 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 on all parties and filed with the court within fourteen (14) 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. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

DATED: May 29, 2014.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE