

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK LEE DEARWESTER,
Plaintiff,
v.
EDMOND G. BROWN, JR., et al.,
Defendants.

No. 2:13-cv-01250-TLN-CMK-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On April 6, 2016, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.¹

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.

///

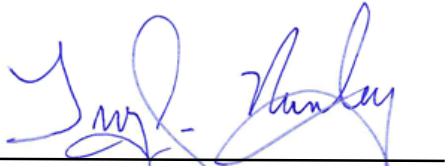
¹ On May 23, 2016, Plaintiff filed a motion for extension of time to file a first amended complaint, primarily based on lack of access to the prison library. (ECF No. 22.) As of May 23, 2016, this Court had not adopted the magistrate judge’s findings and recommendations. It is not clear whether Plaintiff continues to lack access such that he cannot file an amended complaint within 30 days of this Order. Therefore, Plaintiff’s motion for an extension is DENIED without prejudice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 6, 2016, are adopted in full;
2. Defendant's motion to dismiss (ECF No. 18) is granted; and
3. Plaintiff shall file an amended complaint in compliance with the magistrate judge's findings and recommendations within 30 days of the date of this order.

Dated: June 9, 2016



Troy L. Nunley
United States District Judge