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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY WATTS,
Plaintiff,
v.
M. RUGGIERO, et al.,
Defendants.

No. 2:13-cv-1749 TLN AC P

FINDINGS & RECOMMENDATIONS

By order filed October 30, 2013, certain parties and claims were dismissed from plaintiff's complaint and plaintiff was granted thirty days to amend. Plaintiff was informed of the deficiencies of the complaint, should he choose to seek to amend. Plaintiff was further instructed that if he chose not to amend his complaint, and elected instead to proceed on the claims that survived screening, he must within thirty days return materials for service on process on the defendants against whom he had stated cognizable claims. Plaintiff was provided with the requisite service forms. Plaintiff was cautioned that failure to comply would result in a recommendation of dismissal of this action. The thirty day period has now long expired, and plaintiff has neither filed an amended complaint, nor submitted the forms for service of the original complaint. Nor has plaintiff otherwise responded to the court's order.

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

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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)(1). Within twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: March 21, 2014



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE