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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

QUINTERRIOS CLARK,  
Plaintiff,  
v.  
M. HERRERA,  
Defendant.

No. 2:13-cv-1885 JAM DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. On October 30, 2017, plaintiff filed a request to dismiss this action. (ECF No. 39.) In response, the court advised plaintiff that any future action on the grounds raised in this case might be barred by the statute of limitations. (ECF No. 40.) The court gave plaintiff thirty days to withdraw his motion to dismiss. Plaintiff was informed that if he did not do so, the court would recommend dismissal of this case without prejudice.


Thirty days have passed and plaintiff has not filed a request to withdraw his motion to dismiss.

Accordingly, the court should respect plaintiff's wishes and IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

1 after being served with these findings and recommendations, any party may file written  
2 objections with the court and serve a copy on all parties. The document should be captioned  
3 “Objections to Magistrate Judge's Findings and Recommendations.” Any response to the  
4 objections shall be filed and served within seven days after service of the objections. The parties  
5 are advised that failure to file objections within the specified time may result in waiver of the  
6 right to appeal the district court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 Dated: January 5, 2018

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11 DEBORAH BARNES  
12 UNITED STATES MAGISTRATE JUDGE  
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