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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN WILLIAM LINNIHAN,  
Plaintiff,  
v.  
WARDEN FOULK, et al.,  
Defendants.

No. 2:13-cv-02575 MCE AC P

FINDINGS AND RECOMMENDATIONS

By order filed May 14, 2014, the First Amendment and mail tampering allegations contained in plaintiff’s complaint were dismissed with leave to amend within thirty days from the date of the district judge’s review and adoption of the Findings and Recommendation issued the same date. The district judge adopted the Findings and Recommendations on July 9, 2014. ECF No. 25. Plaintiff’s amended complaint therefore was due by August 8, 2014. Thirty days from that date have now passed, and plaintiff has not filed an amended complaint, or 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).

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 (21) days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned  
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
3 shall be served on all parties and filed with the court within fourteen (14) days after service of the  
4 objections. The parties are advised that failure to file objections within the specified time may  
5 waive the right to appeal the District Court’s order. Turner v. Duncan, 158 F.3d 449, 455 (9th  
6 Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

7 DATED: September 11, 2014

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9 ALLISON CLAIRE  
10 UNITED STATES MAGISTRATE JUDGE  
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