

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRACY FIDEL ALFORD,
Plaintiff,
v.
LAM DANG, et al.,
Defendants.

No. 2:14-cv-714-KJM-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On February 10, 2015, plaintiff’s complaint was dismissed with leave to amend. That order explained the deficiencies in the complaint and granted plaintiff thirty days to file an amended complaint to cure the deficiencies identified in the screening order. Plaintiff was admonished that failure to file an amended complaint would result in a recommendation that this action be dismissed. ECF No. 11. On March 18, 2015, the court granted plaintiff’s request for an extension of time. ECF No. 15. That order gave plaintiff an additional thirty days in which to file his amended complaint. The time for acting has passed and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

////

1 A party's failure to comply with any order or with the Local Rules "may be grounds for
2 imposition by the Court of any and all sanctions authorized by statute or Rule or within the
3 inherent power of the Court." E.D. Cal. Local Rule 110. The court may dismiss an action with or
4 without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v.*
5 *Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in
6 dismissing pro se plaintiff's complaint for failing to obey an order to re-file an amended
7 complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439,
8 1440-41 (9th Cir. 1988) (dismissal for pro se plaintiff's failure to comply with local rule
9 regarding notice of change of address affirmed).

10 Accordingly, it is hereby RECOMMENDED that this action be DISMISSED for failure to
11 prosecute. Fed. R. Civ. P. 41(b); E. D. Cal. Local Rule 110.

12 These findings and recommendations are submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
14 after being served with these findings and recommendations, any party may file written
15 objections with the court and serve a copy on all parties. Such a document should be captioned
16 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
17 objections shall be served and filed within fourteen days after service of the objections. The
18 parties are advised that failure to file objections within the specified time may waive the right to
19 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
20 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

21 Dated: May 7, 2015.

22 
23 EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE
25
26
27
28