

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

OBIE L. CRISP, III,
Plaintiff,
v.
CALIFORNIA HEALTH CARE
FACILITY, et al.,
Defendants.

No. 2:14-cv-1345 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a former state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges defendants violated his rights under the Americans with Disabilities Act (ADA) and failed to provide him with adequate medical care in violation of the Eighth Amendment.

On May 31, 2018, the court screened and dismissed plaintiff's Third Amended Complaint. (ECF No. 36.) Plaintiff was directed to file an amended complaint within thirty days and warned that failure to do so would result in a recommendation that his action be dismissed. Thereafter, plaintiff did not file an amended complaint.

By order dated July 16, 2018, plaintiff was ordered to dismiss this action or file an amended complaint within fourteen days. (ECF No. 37.) Plaintiff was again warned that failure to comply with the court's order may result in a recommendation that this action be dismissed. Those


1 fourteen days have passed and plaintiff has not filed an amended complaint, notified the court he
2 wishes to dismiss the action, or otherwise responded to the court's order.

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

5 The Clerk of the Court is HEREBY ORDERED randomly assign this action to a United
6 States District Judge.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
9 after being served with these findings and recommendations, plaintiff may file written objections
10 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
11 and Recommendations." Plaintiff is advised that failure to file objections within the specified
12 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
13 (9th Cir. 1991).

14 Dated: August 15, 2018

15
16 
17 DEBORAH BARNES
18 UNITED STATES MAGISTRATE JUDGE

19
20 DLB:12
21 DLB:1/Orders/Prisoner.CivilRights/cris1345.fsc

22
23
24
25
26
27
28