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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HERNAN OROZCO,
Plaintiff,
v.
EDMUND G. BROWN, JR.,
Defendant.

No. 2:14-cv-1404 MCE CKD P

FINDINGS AND RECOMMENDATIONS

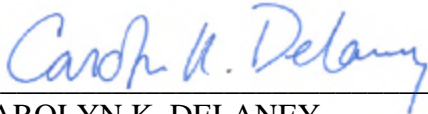
By order filed November 5, 2014, plaintiff’s complaint was dismissed and thirty days leave to file an amended complaint was granted. The thirty day period has now expired, and plaintiff has not filed an amended complaint. Rather, he has filed a copy of a petition he recently filed in the Northern District of California requesting a writ of mandamus (ECF No. 13), similar to the request previously addressed by this court. (ECF Nos. 7, 11.) From the record it does not appear that plaintiff wishes to proceed with this individual civil rights action, but seeks relief in the Northern District as a purported third-party beneficiary in the Plata and/or Coleman class actions. (See ECF No. 13.)

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 fourteen days

1 after being served with these findings and recommendations, plaintiff may file written objections
2 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
3 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
4 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
5 (9th Cir. 1991).

6 Dated: December 16, 2014

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9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE
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