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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANDRY DANIELS,

 Plaintiff,

 v.

MONROE/LIENBERGER DETENTION
CENTERS, et al.,

 Defendants.

No. 2:14-cv-2176 KJM CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 8, 2015, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by proper analysis. The court writes separately to address plaintiff’s objections.

1 The magistrate judge recommends dismissal of defendants Castaneda, Yakimtsev,
2 Fristole, and Chan from this action. ECF No. 26. By order of this court filed April 8, 2015,
3 plaintiff was granted thirty days to amend his complaint to cure defects in his allegations against
4 these four defendants. ECF No. 11. Since that time, plaintiff has been granted three extensions
5 of time, two of sixty days and one of thirty days, in which to file an amended complaint but has
6 failed to do so. *See* ECF Nos. 19, 22, 25. In his objections, plaintiff states that he was transferred
7 back to California Medical Facility (CMF) on September 29, 2015, with no access to legal
8 resources or his legal property and that he would not be able to retrieve his property or complete
9 an amended complaint for ninety days. ECF No. 27. Plaintiff has not filed a notice of change of
10 address, *cf.* Local Rule 183(b), and he did receive a copy of the findings and recommendations
11 which were served on him at his address of record.¹ Ninety additional days would make it over a
12 year since plaintiff was granted leave to amend. The record in this action does not support further
13 delay. This action must now proceed on the cognizable claims in the original complaint.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The findings and recommendations filed December 8, 2015, are adopted in full;
- 16 2. This action is dismissed as to defendants Castaneda, Yakimtsev, Fristole and Chan.

17 See Local Rule 110; Fed. R. Civ. P. 41(b);

18 3. Plaintiff may proceed on the original complaint against defendants Torres, Garcia,
19 Galey and Gall; and

20 4. The Clerk of the Court is directed to serve a copy of these findings and
21 recommendations on plaintiff at his address of record and at California Medical Facility in
22 Vacaville, California.

23 DATED: February 3, 2016

24 
25 _____
26 UNITED STATES DISTRICT JUDGE

27 _____
28 ¹ According to the California Department of Corrections and Rehabilitation's Inmate Locator, plaintiff is currently house at CMF.