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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LOUIS JENKINS,

 Plaintiff,

 v.

JEFFREY BEARD,

 Defendant.

No. 2:14-cv-2447 AC P

ORDER and

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner at California Medical Facility (CMF),¹ proceeding pro se in this putative civil rights action filed pursuant to 42 U.S.C. § 1983. This action is referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B), Local Rule 302(c), and Local General Order No. 262.

By order filed May 6, 2014, the court found plaintiff’s complaint frivolous but nevertheless granted plaintiff leave to file an amended complaint together with a fully completed in forma pauperis application. See ECF No. 8. Attempted service of the court’s order at plaintiff’s address of record (Sierra Conservation Center) failed. On June 2, 2015, the court issued another order, according plaintiff additional time (21 days) to file an amended complaint

¹ The Clerk of Court is directed to construe the notation on plaintiff’s in forma pauperis application filed June 3, 2015, ECF No. 10, as his notice of change of address. See also ECF No. 9 (court’s order filed June 2, 2015, addressing plaintiff’s place of incarceration).

1 and in forma pauperis application, and directed the Clerk of Court to serve the order on plaintiff
2 at CMF, identified as his place of incarceration by the Inmate Locator website operated by the
3 California Department of Corrections and Rehabilitation. See ECF No. 9. The court's order
4 included the following warning, id. at 2:

5 Plaintiff's failure to timely file a new application to proceed in
6 forma pauperis and/or an amended complaint that states a
7 cognizable civil rights claim and/or a Notice of Change of Address
(if applicable), will result in a recommendation that this action be
dismissed without prejudice.

8 Plaintiff subsequently filed a fully completed in forma pauperis application, ECF No. 10, which
9 was dated prior to the court's June 2, 2015 order. Plaintiff has not, however, filed an amended
10 complaint within the extended deadline. Therefore, the undersigned will recommend dismissal
11 of this action.


12 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court is directed to:

- 13 1. Indicate on the docket that plaintiff's address of record is the California Medical
14 Facility; and
- 15 2. Randomly assign a district judge to this action.

16 Further, IT IS HEREBY RECOMMENDED that this action be dismissed without
17 prejudice.

18 These findings and recommendations are submitted to the United States District Judge
19 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
20 after being served with these findings and recommendations, plaintiff may file written objections
21 with the court. Such document should be captioned "Objections to Magistrate Judge's Findings
22 and Recommendations." Plaintiff is advised that failure to file objections within the specified
23 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
24 (9th Cir. 1991).

25 DATED: July 12, 2015

26 
27 ALLISON CLAIRE
28 UNITED STATES MAGISTRATE JUDGE