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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL DAVID STORMAN,
Plaintiff,
v.
KAISER,
Defendant.

No. 2:14-cv-2538 GEB DAD PS

FINDINGS AND RECOMMENDATIONS

Plaintiff Michael Storman is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

On April 29, 2015, the undersigned issued an order dismissing plaintiff's complaint and granting him leave to file an amended complaint within twenty-eight days of that order. (Dkt. No. 3.) On May 11, 2015, plaintiff filed a motion seeking a sixty-day extension of time to file his amended complaint. (Dkt. No. 7.) On June 5, 2015, the undersigned granted plaintiff's motion for a sixty-day extension of time to comply with the court's order. (Dkt. No. 9.)

On September 23, 2015, after the sixty-day period had expired and plaintiff still had not filed an amended complaint, the undersigned issued an order to show cause within fourteen days as to why this action should not be dismissed due to plaintiff's lack of prosecution and failure to comply with the court's orders. (Dkt. No. 16.)

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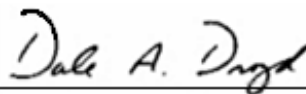
1 On September 28, 2015, plaintiff filed a document stating that he “never understood . . .
2 how to write an amended complaint,” and that he “would have filed another complaint a long
3 time ago, if [he] could.” (Dkt. No. 17 at 1.) Therein, plaintiff also stated that he is unable to
4 obtain legal representation and asked the court to “rule in his favor with some appropriate
5 monetary damages granted to [plaintiff].” (Id.)

6 The court understands the difficulties parties face in proceeding pro se. Nonetheless,
7 federal district courts lack authority to require counsel to represent indigent plaintiffs in civil
8 cases. See Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). Moreover, this action
9 cannot proceed in the absence of a viable amended complaint.

10 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
11 prejudice. See Local Rule 110; FED. R. CIV. P. 41(b).

12 These findings and recommendations will be 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, plaintiff may file written objections
15 with the court. A document containing objections should be titled “Objections to Magistrate
16 Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within
17 the specified time may waive the right to appeal the District Court’s order. See Martinez v. Ylst,
18 951 F.2d 1153 (9th Cir. 1991).

19 Dated: October 16, 2015

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22 DALE A. DROZD
23 UNITED STATES MAGISTRATE JUDGE

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