UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL DELARM,

           Plaintiff,

    v.

E. BELL, et al.,

           Defendants.

No. 2:14-cv-2792 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights

action under 42 U.S.C. § 1983. In an order filed March 20, 2017, the court dismissed plaintiff's

first amended complaint and gave plaintiff thirty days to file a second amended complaint. In an

order filed May 2, 2017, the court noted that plaintiff had failed to file a second amended

complaint within the thirty-day period. The court gave plaintiff thirty additional days to file a

second amended complaint. Plaintiff was warned that his failure to file a timely second amended

complaint would result in a recommendation that this action be dismissed.

Thirty days have passed since the court issued the May 2 order and plaintiff has not filed a

second amended complaint or otherwise responded to the court's order.

Accordingly, the Clerk of the Court is HEREBY ORDERED to assign a district judge to

this case; and

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1   IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See

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

3   These findings and recommendations are submitted to the United States District Judge

4   assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days

5   after being served with these findings and recommendations, plaintiff may file written objections

6   with the court. The document should be captioned "Objections to Magistrate Judge's Findings

7   and Recommendations." Plaintiff is advised that failure to file objections within the specified

8   time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153

9   (9th Cir. 1991).

10   Dated: June 12, 2017

DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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