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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	JANET DENISE PHELPS,	No. 2:14-cv-2794 MCE GGH PS
12	Plaintiff,	
13	v.	FINDINGS AND RECOMMENDATIONS
14	STATE OF CALIFORNIA SUPERIOR COURT COUNTY OF SOLANO, et al.,	
15	Defendants.	
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17	By order filed February 2, 2015, the court granted plaintiff twenty-eight days to file an	
18	amended complaint. In the February 2nd order, the court informed plaintiff of the deficiencies in	
19	the complaint. The twenty-eight day period expired, and plaintiff did not file an amended	
20	complaint or otherwise respond to the court's order.	
21	Accordingly, for the reasons given in the February 2, 2015, order, and for plaintiff's	
22	failure to present an amended complaint curing the defects of the original complaint as explained	
23	therein, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See	
24	Local Rule 110; Fed. R. Civ. P. 41(b). ¹	
25	$\frac{1}{1}$ The court has given consideration to plaintiff's status as a pro se litigant. <u>Ferdik v. Bonzelet</u> ,	
26	963 F.2d 1258, 1261 (9th Cir. 1992). The court has explained the defects in plaintiff's complaint and advised plaintiff that failures to correct them might result in dismissal. Delay is nearly	
27	always prejudicial to defendants. On the other hand, dismissal precludes adjudicating the merits of plaintiff's action. However, the court has considered less drastic sanctions, by issuing its order	
28	explaining the defects in the complaint. Plaintiff's failure to cure the complaint's defects leaves	

1	These findings and recommendations are submitted to the United States District Judge	
2	assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within fourteen	
3	(14) days after being served with these findings and recommendations, plaintiff may file written	
4	objections with the court. The document should be captioned "Objections to Magistrate	
5	Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections	
6	within the specified time may waive the right to appeal the District Court's order. Martinez v.	
7	<u>Ylst</u> , 951 F.2d 1153 (9th Cir. 1991).	
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9	Dated: March 17, 2015	
10	<u>/s/ Gregory G. Hollows</u>	
11	UNITED STATES MAGISTRATE JUDGE	
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27	the court no choice. The court's need to manage its docket does not permit further devotion of	
28	scarce resources to the matter. <u>See Malone v. United States Postal Serv.</u> , 833 F.2d 128, 131-32 n.1 (9th Cir.1987).	
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