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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH ARDELL SMITH,  
  
Plaintiff,  
  
v.  
  
DEUEL VOCATIONAL INSTITUTE et  
al.,  
  
Defendants.

No. 2:15-cv-1380 KJM AC P

FINDINGS AND RECOMMENDATIONS

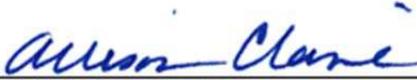
Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order dated June 15, 2016, plaintiff’s complaint was dismissed and thirty days leave to amend was granted. ECF No. 8. Plaintiff was warned that failure to file an amended complaint would result in dismissal of this action. Id. at 8. To date, plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

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

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings

1 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
2 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153  
3 (9th Cir. 1991).

4 DATED: October 11, 2016

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6 ALLISON CLAIRE  
7 UNITED STATES MAGISTRATE JUDGE  
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