

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL LENOIR SMITH,
Plaintiff,
v.
DARREN ALBEE, et al.,
Defendants.

No. 2:15-cv-1598 KJN P

ORDER AND FINDINGS &
RECOMMENDATIONS

By order filed November 13, 2015, plaintiff’s complaint was dismissed and thirty days leave to file an amended complaint was granted. After being granted multiple extensions of time, plaintiff was granted up to and including May 2, 2016, in which to file his amended complaint. That date has now passed, and plaintiff has not filed an amended complaint, or otherwise responded to the court’s order.

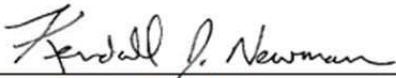
In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

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 the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
3 objections shall be served and filed within fourteen days after service of the objections. The
4 parties are advised that failure to file objections within the specified time may waive the right to
5 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 Dated: May 10, 2016

7 
8 _____
9 KENDALL J. NEWMAN
10 UNITED STATES MAGISTRATE JUDGE

11 /cw/smit1598.fta

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28