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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY JEROME WOMACK,  
Plaintiff,  
v.  
WARDEN PERRY,  
Defendant.

No. 2:15-cv-1858 JAM DB P

FINDINGS & RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. By order filed November 10, 2015, plaintiff's complaint was dismissed and thirty days leave to file an amended complaint was granted. (ECF No. 9.) After plaintiff filed several documents, including an amended complaint, on March 11, 2016, the court dismissed the amended complaint and plaintiff was again granted thirty days in which to file a second amended complaint. (ECF No. 16.) Plaintiff filed a second amended complaint, which was also dismissed. (ECF No. 24.) In the order filed September 28, 2017, the court gave plaintiff thirty days to file a third amended complaint. Plaintiff was advised that his failure to file a third amended complaint would result in a recommendation that this action be dismissed. Those thirty days have now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court's order.

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1           Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without  
2 prejudice. See 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)(1). 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: November 13, 2017

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13 DEBORAH BARNES  
14 UNITED STATES MAGISTRATE JUDGE

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17 DB/prisoner-civil rights/woma1858.fta.ext

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