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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL ENRIQUE DIAZ,  
Plaintiff,  
v.  
MATTHEW STAINER, et al.,  
Defendant.

No. 2:15-cv-2173 JAM DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. On February 23, 2016, plaintiff filed a complaint regarding the denial of proper medical care. (ECF No. 11.) Plaintiff identified defendants Matthew Stainer, Dr. Bick, Dr. Ditomas, Dr. Dhillon, and Dr. McAllister as the defendants in this action. On May 3, 2016, the complaint was dismissed and plaintiff was given the opportunity to file an amended complaint. (ECF No. 15.) On June 16, 2016, plaintiff was granted a 30-day extension of time to file that amended complaint. (ECF No. 19.) On September 1, 2016, plaintiff was granted a second 30-day extension of time to file an amended complaint. (ECF No. 23.) In that order, plaintiff was warned that failure to file an amended complaint within 30 days would result in a recommendation that this case be dismissed. (Id.) Thirty days have expired. 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: October 7, 2016

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14 DEBORAH BARNES  
15 UNITED STATES MAGISTRATE JUDGE  
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