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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ANGELO LENA,
Plaintiff,
v.
FRED FOULK, et al.,
Defendants.

No. 2:15-cv-2276 TLN DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Before the Court are Plaintiff’s “objections” to the Magistrate Judge’s order issued May 11, 2016. (ECF Nos. 22, 23.¹) Plaintiff states therein that he objects to the Magistrate Judge’s dismissal without prejudice of his complaint.

Plaintiff filed his original complaint on November 2, 2015. (ECF No. 1.) On May 11, 2016, the previously-assigned Magistrate Judge dismissed Plaintiff’s complaint and gave him thirty days to file an amended complaint. (ECF No. 17 at 8.) The Magistrate Judge warned Plaintiff that his failure to file an amended complaint in accordance with the order would result in a recommendation that his action be dismissed without prejudice.

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¹ Plaintiff filed “objections” on June 10, 2016 and June 20, 2016. The filings appear to be identical.

1 Under Federal Rule of Civil Procedure 72(a), a party may object to a magistrate judge's
2 ruling on a pretrial matter within fourteen days of service of the magistrate judge's order. The
3 district court may set aside all or part of that order that is clearly erroneous or contrary to law.
4 See also E.D. Cal. R. 303. Because Plaintiff filed his objections more than fourteen days after
5 service of the Magistrate Judge's order, they are untimely. In addition, the Court finds the
6 Magistrate Judge's May 11, 2016 order is neither clearly erroneous nor contrary to law.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's objections filed June 10 and June 20, 2016 (ECF Nos. 22 and 23) are
9 denied; and
- 10 2. Within thirty (30) days of the date of this order, Plaintiff must file an amended
11 complaint that complies with the May 11, 2016, order if he wishes to proceed with this
12 action. Plaintiff is warned that his failure to file a proper amended complaint in a
13 timely manner will result in dismissal of this action.

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15 Dated: December 26, 2016

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19 Troy L. Nunley
20 United States District Judge
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