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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

FINDINGS & RECOMMENDATIONS


Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. By order filed May 11, 2016 (ECF No. 17), plaintiff's complaint was dismissed and thirty days leave to file an amended complaint was granted. On December 27, 2016 (ECF No. 28), plaintiff was given an additional thirty days to file an amended complaint. Plaintiff was advised that his failure to do so would result in dismissal of this action. Thirty days from that date have now passed, and 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 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, plaintiff may file written objections

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

5 Dated: February 8, 2017

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9 DEBORAH BARNES  
10 UNITED STATES MAGISTRATE JUDGE

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