UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS HUTCHINSON,

Plaintiff,

v.

J. INFANTE,

Defendant.

No. 2:16-cv-0114 KJM AC P

FINDINGS & RECOMMENDATIONS

By order filed May 3, 2017, plaintiff's complaint was dismissed and he was given thirty days to file an amended complaint. ECF No. 8. Plaintiff requested an extension of time in order to gather exhibits and other documents. ECF No. 11. He was granted a thirty day extension and advised that it was not necessary to attach exhibits to his complaint. ECF No. 12. After thirty days passed and plaintiff failed to file an amended complaint, he was given an additional twenty-one days to file his amended complaint and warned that failure to do so would result in a recommendation that this action be dismissed. ECF No. 13. Plaintiff then filed another request for an extension of time so that he could obtain documents to attach to the complaint. ECF No. 14. The request was granted and he was given a final thirty days to amend the complaint. ECF No. 15. He was once again advised that he did not need to provide exhibits with his complaint. Id. He was also warned that no further extensions would be granted absent a showing of extraordinary cause and that failure to file an amended complaint would result in a

recommendation that this action be dismissed. Id. The thirty day period has now expired 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 for failure to prosecute. See L.R. 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)(l). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: September 26, 2017

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE