

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OBIE L. CRISP, III,
Plaintiff,
v.
BRIAN DUFFY, et al.,
Defendants.

No. 2:16-cv-0288 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. In an order filed February 6, 2018, plaintiff's second amended complaint was dismissed and plaintiff was given thirty days to file a third amended complaint. (ECF No. 22.) Plaintiff was warned that his failure to comply with the court's order would result in a recommendation that this action be dismissed. (Id. at 7.)

Thirty days have passed and plaintiff has not filed a third amended complaint or otherwise responded to the court's February 6 order.

Accordingly, the Clerk of the Court is **HEREBY ORDERED** to randomly assign a district judge to this case; and

IT IS RECOMMENDED that this case be dismissed for plaintiff's failure to prosecute.


See E.D. Cal. R. 110; Fed. R. Civ. P. 41.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

These findings and recommendations will be 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 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 result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: March 19, 2018



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DLB1/prisoner-civil rights/cris0288.fta fr