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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS KURT HARDWICK,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendant.

No. 2:16-cv-0854 TLN DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in an action brought under 42 U.S.C. § 1983. Plaintiff claims defendants Dr. Leo and Dr. Newman were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment.

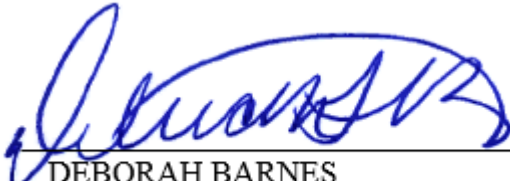
By order dated September 13, 2018, plaintiff was directed to file an amended complaint. (ECF No. 29.) Plaintiff failed to file an amended complaint and on December 26, 2018, the court ordered plaintiff to either file an amended complaint or dismiss this action within fourteen days. (ECF No. 30.) Plaintiff was warned that failure to comply would result in a recommendation that this action be dismissed.

Those fourteen days have passed and plaintiff has not filed an amended complaint, notified the court he wishes to dismiss this action, updated his address, or otherwise responded to the court's order.

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: January 23, 2019

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13 DEBORAH BARNES
14 UNITED STATES MAGISTRATE JUDGE

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17 DLB:12
18 DLB:1/orders/prisoner-civil rights/hard0854.fsc

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