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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ZACHARIAH DANIELS,
Plaintiff,
v.
AGUILLERA, et al.,
Defendants.

No. 2:16-cv-0996 JAM CKD P

ORDER &
FINDINGS AND RECOMMENDATIONS

This pro se prisoner action was filed pursuant to 42 U.S.C. § 1983. On September 20, 2016, plaintiff’s complaint was dismissed for failure to state a claim, and plaintiff was granted leave to file an amended complaint. (ECF No. 8.) Plaintiff’s time to amend was extended three times, with a final deadline of February 14, 2017. (ECF No. 18.) That date has passed, and plaintiff has not filed an amended complaint.

Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for third party service (ECF No. 16) is denied as moot.

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. The document should be captioned “Objections to Magistrate Judge’s Findings
2 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
3 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
4 (9th Cir. 1991).

5 Dated: February 22, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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