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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY HEARNE,
Plaintiff,
v.
DAVID BAUGHMAN, et al.,
Defendants.

No. 2:16-cv-1357 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS


Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges that during a visit to the medical facility at California State Prison, Sacramento (CSP-Sac), he was placed in a holding cage reserved for administrative segregation for two hours until the medical staff had time to see him. (ECF No. 1 at 2, 4.) The court previously granted plaintiff’s motion to proceed in forma pauperis and dismissed the complaint with leave to amend for failure to state a cognizable claim, as the complaint did not state the legal basis on which he was pursuing this action. (ECF No. 11.) On March 22, 2017, plaintiff was ordered to file an amended complaint within 30 days of the screening order. (Id.) Plaintiff was warned that failure to file an amended complaint or otherwise respond to the screening order may result in a recommendation that this action be dismissed for failure to prosecute.

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1 The 30 day deadline has long since passed and plaintiff has not filed an amended
2 complaint. Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a
3 United States District Judge to this action. IT IS HEREBY RECOMMENDED that this action be
4 dismissed without prejudice for failure to prosecute. See Local Rule 183(b).

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, plaintiff may file written objections
8 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
9 and Recommendations.” Any response to the objections shall be filed and served within fourteen
10 days after service of the objections. Plaintiff is advised that failure to file objections within the
11 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951

12 Dated: September 25, 2017

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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE

17 TIM-DLB:10
18 DB / ORDERS / ORDERS.PRISONER.CIVIL RIGHTS / hear.1357.dismiss.fr

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