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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SKYLER TRUJILLO,

Plaintiff,

v.

NOFSINGER,

Defendants.

No. 2:16-cv-1456 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges defendants violated his rights under the Eighth Amendment by assaulting him, failing to provide him proper medical treatment for his injuries, and denying him due process.

By order dated September 25, 2018, the court screened and dismissed plaintiff's complaint. (ECF No. 10.) Plaintiff was directed to file an amended complaint within thirty days and warned that failure to do so would result in a recommendation that this action be dismissed. Thereafter, plaintiff did not file an amended complaint.

By order dated October 25, 2018, plaintiff was ordered to dismiss this action or file an amended complaint within fourteen days. (ECF No. 11.) Plaintiff was again warned that failure to comply with the court's order may result in a recommendation that this action be dismissed. Those fourteen days have now passed and plaintiff has not filed an amended complaint, notified


1 the court he wishes to dismiss this action, or otherwise responded to the court's order.

2 The Clerk of the Court is HEREBY ORDERED to randomly assign this action to a United
3 States District Judge.

4 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
5 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, plaintiff may file written objections
9 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
10 and Recommendations." Plaintiff is advised that failure to file objections within the specified
11 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
12 (9th Cir. 1991).

13 Dated: November 26, 2018

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16 DEBORAH BARNES
17 UNITED STATES MAGISTRATE JUDGE

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