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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINIC VA'SHON WRIGHT,  
Plaintiff,  
v.  
JEFF MACOMBER, et al.,  
Defendants.

No. 2: 16-cv-2054 JAM KJN P

FINDINGS AND RECOMMENDATIONS


Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On November 1, 2017, the undersigned issued an order screening the second amended complaint. (ECF No. 18.) The undersigned found that the second amended complaint stated potentially colorable Eighth Amendment claims against defendants Macomber and Roth. (Id.) The undersigned found that the remaining claims in the second amended complaint were not potentially colorable. (Id.) The undersigned granted plaintiff thirty days to file a third amended complaint. (Id.)

On December 12, 2017, the undersigned granted plaintiff a thirty days extension of time to file a third amended complaint. (ECF No. 20.) Thirty days passed and plaintiff did not file a third amended complaint. Accordingly, the undersigned herein recommends dismissal of all claims in the third amended complaint but for the Eighth Amendment claims against defendants Roth and Macomber. The undersigned separately orders service of these defendants.

1           Accordingly, for the reasons stated in the November 1, 2017 order, IT IS HEREBY  
2 ORDERED that all claims in the second amended complaint, but for the Eighth Amendment  
3 claims against defendants Roth and Macomber, be dismissed.

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

11 Dated: January 23, 2018

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14 KENDALL J. NEWMAN  
15 UNITED STATES MAGISTRATE JUDGE

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