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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARMANDO HERRERA,
Plaintiff,
v.
M. IDEMUDIA,
Defendant.

No. 2:16-cv-2293 JAM CKD P

ORDER &
FINDINGS & RECOMMENDATIONS

Plaintiff filed this pro se prisoner action on September 26, 2016. (ECF No. 1.) On November 9, 2016, the undersigned determined that service was appropriate for defendant Idemudia and directed the clerk to send plaintiff service documents, to be completed within thirty days. (ECF No. 14.) Plaintiff was granted three extensions of time to submit service documents and informed that no further extensions would be granted. (ECF No. 28; see ECF Nos. 26 & 35.)

To date, however, plaintiff has not submitted service documents for defendant Idemudia. Rather, he seeks a fourth extension of time and also moves to amend the complaint. (ECF Nos. 36 & 37.) Under Rule 15(a) of the Federal Rules of Civil Procedure, leave to amend shall be given freely when justice requires. Here, plaintiff does not attach a proposed amended complaint as required by Local Rule 137(c). In the absence of any reviewable pleading, the court does not find that justice requires leave to amend in this instance.

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1 Moreover, plaintiff has not shown good cause for additional time to submit service
2 documents. As he has failed to do so despite multiple extensions of time, the undersigned will
3 recommend that this action be dismissed without prejudice.

4 IT IS HEREBY ORDERED THAT:

- 5 1. Plaintiff's motion for extension of time (ECF No. 36) is denied; and
6 2. Plaintiff's motion to amend (ECF No. 37) is denied.

7 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
8 Fed. R. Civ. P. 41(b).

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

16 Dated: May 2, 2017

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19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE
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