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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL NIVARD BEATON,
Plaintiff,
v.
CALIFORNIA MEDICAL FACILITY,
Defendant.

No. 2:16-cv-2446 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities Act, alleging claims arising from his medical treatment at California Medical Facility. (ECF No. 1.)

On September 27, 2017 the court screened plaintiff’s complaint, found he failed to state a claim, and gave him leave to amend. (ECF No. 7.) Plaintiff was directed to file an amended complaint within thirty days and was warned that failure to file an amended complaint would result in a recommendation that this action be dismissed. On February 9, 2018 the court ordered plaintiff to dismiss this action or file an amended complaint within fourteen days. Those fourteen days have passed and plaintiff has failed to file an amended complaint or otherwise comply with the court’s orders. Accordingly, the court will direct the clerk of the court to assign a district judge and recommend that this action be dismissed for failure to comply with a court order.


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1 IT IS HEREBY ORDERED that the Clerk of the Court shall randomly assign this action
2 to a district judge.

3 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local
4 Rule 110; Fed. R. Civ. P. 41(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." Plaintiff is advised that failure to file objections within the specified
10 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
11 (9th Cir. 1991).

12 Dated: March 20, 2018

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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE

17 DLB:12
18 DLB1/ORDERS/PRISONER.CIVIL.RIGHTS/beat.2446.rec.dism
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