

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA MARCUS BUSH,  
Plaintiff,  
v.  
BUTTE COUNTY SHERIFF'S OFFICE,  
Defendant.

No. 2:16-cv-2844 WBS AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a Butte County Jail detainee proceeding pro se and in forma pauperis with this action commenced November 14, 2014. By order filed July 11, 2017, the court dismissed plaintiff's original complaint with leave to file a First Amended Complaint within thirty days. See ECF No. 22. Plaintiff was informed that "failure to timely file a First Amended Complaint will result in the dismissal of this action without prejudice." *Id.* at 16. Thereafter, by order filed August 1, 2017, the court granted plaintiff's request for extended time, and directed plaintiff to file his First Amended Complaint within sixty days, or by Monday, October 2, 2017.<sup>1</sup>

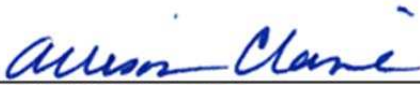
The extended deadline has passed but plaintiff has not responded to the court's order. Therefore, the undersigned will recommend dismissal of this action.

<sup>1</sup> The sixty-day period ended on Saturday, September 30, 2017. Under Rule 6, Federal Rules of Civil Procedure, "if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday." Fed. R. Civ. P. 6(a)(1)(C).

1           Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without  
2 prejudice.

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

10 DATED: October 11, 2017

11   
12 ALLISON CLAIRE  
13 UNITED STATES MAGISTRATE JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28