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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TREMAYNE DEON CARROLL,
Plaintiff,
v.
SPEARMAN, et al.,
Defendants.

No. 2:17-cv-0862 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Upon screening the court found most of plaintiff's claims were duplicative of claims plaintiff raised in a separate action in this court, case no. 16-cv-2443 JAM EFB P. (ECF No. 7.) Plaintiff was given thirty days to either dismiss this action or file an amended complaint. Plaintiff was warned that failure to comply with that order may result in dismissal of this action.

Plaintiff requested a 60-day extension of time to file an amended complaint. (ECF No. 10.) The court granted the extension (ECF No. 11), but plaintiff failed to file an amended complaint, notify the court he wished to dismiss the action, or otherwise respond to the court's order. By order filed November 1, 2017, plaintiff was ordered to file an amended complaint or show cause, within fourteen days, why this action should not be dismissed. The fourteen day period has now expired, and plaintiff has not shown cause or otherwise responded to the court's


1 order.

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

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

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: December 8, 2017

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

17 DLB:12
DLB1/Orders/prisoner-civil rights/carr0862.fsc

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