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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DERRICK LEWIS,  
Plaintiff,  
v.  
MONICA WILLIAMS, et al.,  
Defendants.

No. 2:17-cv-0939 GEB DB PS

FINDINGS AND RECOMMENDATIONS

By order signed September 29, 2017, plaintiff’s complaint was dismissed and plaintiff was granted leave to file an amended complaint that cured the defects noted in that order.<sup>1</sup> (ECF No. 4.) Plaintiff was granted twenty-eight days from the date of that order to file an amended complaint and was specifically cautioned that the failure to respond to the court’s order in a timely manner would result in a recommendation that this action be dismissed. The twenty-eight day period has expired, and plaintiff has not responded to the court’s order in any manner.


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

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<sup>1</sup> Although it appears from the docket that plaintiff’s copy of the order was returned as undeliverable, not in custody, plaintiff was properly served. It is the plaintiff’s responsibility to keep the court apprised of plaintiff’s current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

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

8 Dated: November 13, 2017

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12 DEBORAH BARNES  
13 UNITED STATES MAGISTRATE JUDGE  
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