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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD LEE CANADA,  
Plaintiff,  
v.  
HEIKEL, et al.,  
Defendants.

No. 2:17-cv-1235 DB P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges defendants refused to provide him with medical care in violation of his Eighth Amendment rights and retaliated against him in violation of his First Amendment rights. Plaintiff has consented to Magistrate Judge jurisdiction over this action pursuant to 28 U.S.C. § 636(c). (ECF No. 12.)

By order dated October 3, 2018, the court screened and dismissed the complaint for failure to state a claim. (ECF No. 14.) Plaintiff was directed to file an amended complaint within thirty days and warned that failure to file an amended complaint could result in dismissal. Thereafter, plaintiff did not file an amended complaint.

By order dated November 26, 2018, plaintiff was ordered to dismiss this action or file an amended complaint within fourteen days. (ECF No. 17.) Plaintiff was again warned that failure to comply with the court’s order may result in a recommendation that this action be dismissed.

1 Those fourteen days have passed and plaintiff has not filed an amended complaint, notified the  
2 court he wishes to dismiss this action, or otherwise responded to the court's order.

3 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly  
4 assign a district judge to this action.

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

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

14 Dated: December 18, 2018

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17 DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

18 DLB: 12  
19 DLB1/prisoner-civil rights/cana1235.fsc

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