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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT MITCHELL, JR.,

Plaintiff,

v.

DAVID J. SHULKIN, Secretary of
Veterans Affairs,

Defendant.

No. 2:17-cv-1239-JAM-EFB PS

FINDINGS AND RECOMMENDATIONS

On August 24, 2018, the court dismissed plaintiff’s complaint with leave to amend.¹ The order explained the complaint’s deficiencies, gave plaintiff thirty days to file an amended complaint correcting those deficiencies, and warned plaintiff that failure to file an amended complaint would result in a recommendation that this action be dismissed. ECF No. 3.

The deadline has passed and plaintiff has not filed an amended complaint or otherwise responded to the order.

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¹ This action, in which plaintiff is proceeding *in propria persona*, was referred to the undersigned under Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1).

1 Accordingly, it is hereby RECOMMENDED that this action be dismissed, and that the
2 Clerk be directed to close this case. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110.

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.” Failure to file objections within the specified time may waive the right
8 to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998);
9 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: October 30, 2018.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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