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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL DEAN,
Plaintiff,
v.
ROMELDA RAUSSER,
Defendant.

No. 2:17-cv-01361-KJM-GGH

FINDINGS AND RECOMMENDATIONS

On July 12, 2017 this court dismissed plaintiff’s complaint with leave to amend within 45 days of the issuance of the Order. ECF No. 5. That Order was returned to the court as undeliverable on July 19, 2017, and as a consequence, on September 20, 2017, the court issued Findings and Recommendations that the complaint be dismissed for failure to prosecute citing Eastern District of California Local Rule 183(b). ECF No.6. On September 26, 2017, plaintiff filed notice of a new address, ECF No. 7, and the court then became concerned plaintiff had never received the dismissal order. On October 12, 2017, the court issued yet another Order that withdrew the dismissal Recommendation, directed the Clerk to send both of the foregoing Orders to the plaintiff at the newly recorded address, and accompanied it with a new order giving plaintiff another 30 days from the date of the filing of the Order to file an amended complaint. ECF No. 8.

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1 The time for filing the amendment has come and gone, and plaintiff has not obeyed the
2 Order. In light of the foregoing, IT IS HEREBY ORDERED AND RECOMMENDED that:

3 1. Plaintiff's complaint should be dismissed without leave to amend for failure obey
4 the court's Order pursuant to Federal Rule of Civil Procedure 41(c);

5 2. The Clerk of the Court should close this file; and

6 3. No certificate of appealability should issue.

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 these findings and recommendations are filed, plaintiff may file written objections with the
10 court. The document should be captioned "Objections to Magistrate Judge's Findings and
11 Recommendations." Plaintiff is advised that failure to file objections within the specified time
12 may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
13 1991).

14 Dated: November 16, 2017

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16 /s/ Gregory G. Hollows
17 UNITED STATES MAGISTRATE JUDGE
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