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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS EARL PUTNEY,
Plaintiff,
v.
WARDEN ROBERT FOX, et al.,
Defendants.

No. 2:17-cv-1507 WBS DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). On September 14, 2017, plaintiff’s complaint was dismissed for failure to state a claim. Leave to amend was granted, and an amended pleading was due on or before October 14, 2017. That date has now passed, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.


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

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections

1 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
2 objections within the specified time may waive the right to appeal the District Court's order.

3 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 Dated: October 30, 2017

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6 
7 DEBORAH BARNES
8 UNITED STATES MAGISTRATE JUDGE

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