UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MAEWEATHER MARSHALL,
aka MAYWEATHER MARSHALL,

Plaintiff,

v.

UNKNOWN,

Defendant.

No. 2:17-cv-1650 AC P

ORDER and

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner at California State Prison Corcoran (CSP-COR), proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. By order filed June 20, 2018, the court accorded plaintiff an additional thirty days to file a proposed First Amended Complaint (FAC). See ECF No. 11. That order provided that "[f]ailure of plaintiff to timely file a proposed First Amended Complaint will result in a recommendation that this action be dismissed without prejudice." Id. at 2. The order was served on plaintiff at his current address and was therefore fully effective. See Local Rule 182(f).

The deadline for filing a FAC has passed, but plaintiff has neither filed an amended complaint nor otherwise responded to the court's order. Therefore, the undersigned will recommend dismissal of this case without prejudice.

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

Further, 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)(l). Within fourteen (14) days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: August 7, 2018

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE