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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHERMAN BRANDON,
Plaintiff,
v.
M. KHALIL, et al.,
Defendants.

No. 2:17-cv-1763 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges defendants violated his rights under the Americans with Disabilities Act and the Eighth Amendment.

By order dated November 13, 2018, plaintiff's complaint was screened and dismissed for failure to state a claim. (ECF No. 7.) Plaintiff was directed to file an amended complaint within thirty days and warned that failure to file an amended complaint would result in a recommendation that this action be dismissed. Thereafter, plaintiff moved for and was granted two extensions of time in which to file an amended complaint. (ECF Nos. 11, 12, 13, 14.)

Plaintiff has not filed an amended complaint and on May 3, 2019, plaintiff was directed to either dismiss this action or file an amended complaint within fourteen days. He was again warned that failure to comply with the court's order would result in a recommendation that this

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1 action be dismissed. Those fourteen days have now passed, and plaintiff has not filed an
2 amended complaint, updated his address, or otherwise responded to the court's order.

3 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to
4 randomly 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 and serve a copy on all parties. Such a document should be captioned
11 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
12 failure to file objections within the specified time may waive the right to appeal the District
13 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 Dated: May 28, 2019

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17 DEBORAH BARNES
18 UNITED STATES MAGISTRATE JUDGE
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21 DLB:12
22 DLB:1/Orders/Prisoner/Civil.Rights/bran1763.fsc
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