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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

G. DANIEL WALKER,

Plaintiff,

v.

SCOTT KERNAN, et al.,

Defendants.

No. 2:17-cv-1764 KJM 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. By order dated August 8, 2019, plaintiff’s second amended complaint was screened. (ECF No. 23.) The court found plaintiff had stated potentially cognizable retaliation claim against defendants Green, Kumar, Muniz, and Martella. The court also found that the complaint did not contain any other cognizable claims. Plaintiff was given the option to proceed immediately on his retaliation claims or to file an amended complaint.

Plaintiff was directed to complete and return a form indicating his decision within fourteen days. He was warned that failure to comply with the court’s order would result in a recommendation that this action be dismissed. Those fourteen days have passed, and plaintiff has not returned the form indicating how he would like to proceed in this action, updated his address,¹


¹ Plaintiff’s most recent notice of change of address indicated that he was housed at California Medical Facility in Vacaville, California. (ECF No. 18.) However, the California Department of Corrections and Rehabilitation’s inmate locator website: <https://inmatelocator.cdcr.ca.gov/> indicates that plaintiff is presently incarcerated at California State Prison, Corcoran. Local Rule 183(b) requires that a person appearing in propia persona promptly inform the court of any address change.

1 or otherwise responded to the court's order. In light of plaintiff's failure to comply with court
2 orders and the local rules, the court will recommend that this action be dismissed.

3 Based on the foregoing, IT IS HEREBY RECOMMENDED that this action be dismissed
4 without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, plaintiff may file written objections
8 with the court and serve a copy on all parties. Such a document should be captioned
9 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
10 failure to file objections within the specified time may waive the right to appeal the District
11 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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13 Dated: October 1, 2019

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16 DEBORAH BARNES
17 UNITED STATES MAGISTRATE JUDGE

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19 DLB:12
20 DLB:1/Orders/Prisoner.Civil.Rights/walk1764.f&r.dism

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