UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS PATRICK,

Plaintiff,

v.

YLLERA, et al.,

Defendants.

No. 2:17-cv-2025-EFB P

ORDER AND FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On July 16, 2018, the court screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. The court found service appropriate as to defendants Coder, Vina, Davis, and Yllera, and granted plaintiff thirty days to either return documents necessary to effect service of process on those defendants, or to file an amended complaint to cure the deficiencies identified in the other claims. ECF No. 6. The order warned plaintiff that failure to comply would result in a recommendation that this action be dismissed. The time for acting has passed and plaintiff has not submitted the materials necessary for service, has not filed an amended complaint, or otherwise responded to the court's order.

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Accordingly, it is hereby ORDERED that the Clerk is directed to randomly assign a United States District Judge to this case.

Further, it is RECOMMENDED that this action be DISMISSED. Fed. R. Civ. P. 41(b); E. D. Cal. Local Rule 110.

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 days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

DATED: October 10, 2018.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE