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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH GRIMES,
Plaintiff,
v.
M. GROSSJAN,
Defendant.

No. 2:17-cv-2394 MCE DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims defendant used excessive force in violation of the Eighth Amendment.

In an order filed September 19, 2018, the court found plaintiff failed to state a cognizable claim for relief under § 1983. (ECF No. 21.) Plaintiff was given thirty days to file an amended complaint. (Id. at 12.) On October 15, 2018, the court granted plaintiff’s request for an extension of time. (ECF No. 25.) Plaintiff’s amended complaint was due on November 14, 2018.

On November 30, 2018, plaintiff sought a second extension of time. (ECF No. 26.) The court granted the request but warned plaintiff that he would be provided no further extensions of time. (Dec. 6, 2018 Order (ECF No. 27).) Plaintiff’s amended complaint was due on January 5, 2019.


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1 On December 13, 2018, the copy of the court's order served on plaintiff was returned by
2 the Post Office. The court was informed that plaintiff was discharged from prison on November
3 17, 2018. Plaintiff has not provided the court with a change of address.

4 Because plaintiff has failed to comply with the court's order to file an amended complaint
5 by January 5, 2019, this court HEREBY RECOMMENDS this action be dismissed without
6 prejudice. See E.D. Cal. R. 110; Fed. R. Civ. P. 41.

7 These findings and recommendations will be 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. The document should be captioned "Objections to Magistrate Judge's Findings
11 and Recommendations." Plaintiff is advised that failure to file objections within the specified
12 time may result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951
13 F.2d 1153 (9th Cir. 1991).

14 Dated: January 13, 2019

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17 DEBORAH BARNES
18 UNITED STATES MAGISTRATE JUDGE

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