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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUANITA MACHADO,
Plaintiff,
v.
J. A. LIZARRAGA,
Defendant.

No. 2:17-cv-02430 TLN CKD (PS)

ORDER

Plaintiff is proceeding in this action pro se. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c).

On January 22, 2018, the undersigned filed findings and a recommendation that this action be dismissed for lack of jurisdiction. Plaintiff has filed objections seeking leave to amend in order to attempt to state a federal claim. (ECF No. 10.) Leave to amend should be granted if it appears possible that the defects in the complaint could be corrected, especially if a plaintiff is pro se. Id. at 1130-31; see also Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995) (“A pro se litigant must be given leave to amend his or her complaint, and some notice of its deficiencies, unless it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.”) (citing Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)). Here, plaintiff will be granted an opportunity to amend the complaint in an attempt to allege a federal claim.

If plaintiff chooses to amend the complaint, plaintiff must set forth the jurisdictional grounds upon which the court’s jurisdiction depends. Federal Rule of Civil Procedure 8(a).

1 Further, plaintiff must demonstrate how the conduct complained of has resulted in a deprivation
2 of plaintiff's rights. See Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980).

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The January 22, 2018 findings and recommendations are partially vacated, specifically
5 the recommendation that this action be dismissed; and

6 2. Plaintiff is granted thirty days from the date of service of this order to file an amended
7 complaint that complies with the requirements of the Federal Rules of Civil Procedure, and the
8 Local Rules of Practice; the amended complaint must bear the docket number assigned this case
9 and must be labeled "Amended Complaint"; failure to file an amended complaint in accordance
10 with this order will result in a recommendation that this action be dismissed.

11 Dated: March 6, 2018



12 _____
13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE

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