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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH ROBINSON,
Plaintiff,
v.
R. CASTELLON, et al.,
Defendants.

No. 2:17-cv-2550 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state inmate proceeding pro se with a civil rights action under 42 U.S.C. § 1983. Plaintiff claims defendants were deliberately indifferent to his safety in violation of the Eighth Amendment. By order dated February 8, 2019, plaintiff’s first amended complaint was screened and dismissed for failure to state a claim. (ECF No. 23.) 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 did not file an amended complaint.

On April 2, 2019, the court directed plaintiff to either dismiss this action or file an amended complaint within fourteen days. Plaintiff was again warned that failure to comply with the court’s orders would result in a recommendation that this action be dismissed. Since that time plaintiff has not filed an amended complaint, requested additional time to file an amended complaint, updated his address, or otherwise responded to the court’s order.

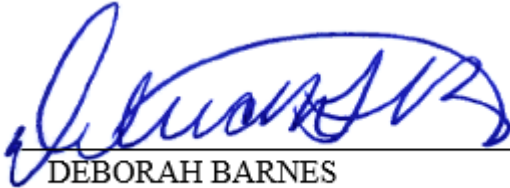
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Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly assign a district judge to this action.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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)(1). Within fourteen days after being served with these findings and recommendations, plaintiff 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.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: June 24, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:12
DLB:1/Orders/prisoner-civil rights/robi2550.fsc