

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH WAYNE ROBERSON,  
Plaintiff,  
v.  
ALBERT SMITH, et al.,  
Defendants.

No. 2:17-cv-2649 CKD P

ORDER AND  
FINDINGS AND RECOMMENDATIONS

By order filed February 21, 2019, plaintiff’s amended complaint was dismissed and thirty-days leave to file a second amended complaint was granted. The thirty-day period has now expired, and plaintiff has not filed a second amended complaint.<sup>1</sup>

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case.

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

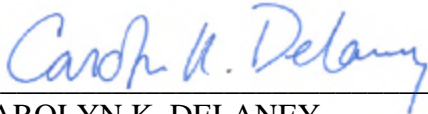
These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen after

---

<sup>1</sup> Although it appears from the file that plaintiff’s copy of the February 21, 2019 order was returned, plaintiff was properly served. It is the plaintiff’s responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 being served with these findings and recommendations, plaintiff may file written objections with  
2 the court. The document should be captioned "Objections to Magistrate Judge's Findings and  
3 Recommendations." Plaintiff is advised that failure to file objections within the specified time  
4 waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.  
5 1991).

6 Dated: April 10, 2019

7   
8 \_\_\_\_\_  
9 CAROLYN K. DELANEY  
10 UNITED STATES MAGISTRATE JUDGE

11 1  
12 robe2649.fta

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28