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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH E. DUMONT,  
Plaintiff,  
v.  
CDCR HEALTH CARE TRACY, et al.,  
Defendants.

No. 2:18-cv-0101 AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983.

Upon screening the complaint, the undersigned found that it did not state a claim for relief and gave plaintiff an opportunity to file an amended complaint. ECF No. 17. After plaintiff failed to file an amended complaint, he was given an additional twenty-one days to do so and warned that failure to file an amended complaint would result in a recommendation that this action be dismissed. ECF No. 18. Plaintiff then filed a notice in which he stated that he received the order granting him additional time to file an amended complaint and that he “find[s] that a claim of relief in the amount of \$100,000.00 or what the court deems reasonable would be acceptable [sic].” ECF No. 19. The court advised plaintiff that his notice was not an amended complaint and extended his deadline to file an amended complaint to April 16, 2021. ECF No. 20.

1 The deadline for amending the complaint has passed, and plaintiff has not filed an  
2 amended complaint or otherwise responded to the order. In extending the deadline to file an  
3 amended complaint, the court advised plaintiff that if he did not file an amended complaint the  
4 court would assume that he was choosing to stand on the allegations of the original complaint and  
5 would recommend that this action be dismissed for the reasons set forth in the January 19, 2021  
6 Screening Order. Id.

7 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly  
8 assign a United States District Judge to this action.

9 IT IS FURTHER RECOMMENDED that the complaint be dismissed for failure to state a  
10 claim for the reasons set forth in the January 19, 2021 Screening Order (ECF No. 17).

11 These findings and recommendations are submitted to the United States District Judge  
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days  
13 after being served with these findings and recommendations, plaintiff may file written objections  
14 with the court. Such a document should be captioned “Objections to Magistrate Judges Findings  
15 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
16 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153  
17 (9th Cir. 1991).

18 DATED: April 23, 2021

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20 ALLISON CLAIRE  
21 UNITED STATES MAGISTRATE JUDGE  
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