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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICK SMITH,  
  
Plaintiff,  
  
v.  
  
WARDEN, DEUEL VOCATIONAL  
INSTITUTION,  
  
Defendant.

No. 2:18-cv-0347 DB P  
  
ORDER AND FINDINGS AND  
RECOMMENDATIONS


Plaintiff is a county inmate proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims defendants have violated his right to access the courts and his right to adequate medical treatment under the Eighth Amendment. By order dated March 25, 2019, plaintiff's complaint was dismissed, and thirty days leave to file an amended complaint was granted. (ECF No. 14.) Thereafter, plaintiff did not file an amended complaint. On May 7, 2019, the court directed plaintiff to file an amended complaint within fourteen days and warned him that failure to file an amended complaint would result in a recommendation that this action be dismissed. (ECF No. 15.) Those fourteen days have now passed, and plaintiff has not filed an amended complaint, updated his address, or otherwise responded to the court's order.

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

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

3 These findings and recommendations are submitted to the United States District Judge  
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
5 after being served with these findings and recommendations, plaintiff may file written objections  
6 with the court and serve a copy on all parties. Such a document should be captioned  
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that  
8 failure to file objections within the specified time may waive the right to appeal the District  
9 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: June 10, 2019

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13 DEBORAH BARNES  
14 UNITED STATES MAGISTRATE JUDGE  
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23 DLB1/Orders/Prisoner-CivilRights/smit0347.fsc  
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