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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL ARCHULETA,
Plaintiff,
v.
A. SMITH, et al.,
Defendants.

No. 2:18-cv-0643 AC P

ORDER and
FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. By order filed April 11, 2018, the court dismissed plaintiff’s complaint with leave to file an amended complaint within thirty days. See ECF No. 9. Plaintiff was informed that “[f]ailure to timely file a FAC will result in a recommendation that this action be dismissed without prejudice.” Id. at 8. Although plaintiff was subsequently transferred to another correctional facility, the court’s order was re-served on plaintiff at his new address. See April 23, 2018 docket entry.

The deadline for filing an amended complaint has passed, but plaintiff has neither filed an amended complaint nor otherwise responded to the court’s order. Therefore, the undersigned will recommend dismissal of this case without prejudice.

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

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Further, 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 (14) days after being served with these findings and recommendations, plaintiff may file written objections with the court. 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 21, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE