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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD P. DAVIS, executor for the
estate of Edward V. Davis,

Plaintiff,

v.

NATIONSTAR MORTGAGE, LLC, dba
CHAMPION MORTGAGE COMPANY,

Defendant.

No. 2:18-cv-1083-TLN-EFB PS

FINDINGS AND RECOMMENDATIONS

The court previously recommended that defendants’ motion to dismiss be granted and plaintiff’s first amended complaint be dismissed with leave to amend.¹ ECF Nos. 22. On March 29, 2019, the assigned district judge adopted the findings and recommendations in full, dismissed plaintiff’s complaint for failure to state a claim, and granted plaintiff thirty days in which to file an amended complaint. ECF No. 23. The district judge’s order warned plaintiff that failure to file an amended complaint would result in dismissal of this action. The time for acting has passed and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.²

¹ This action, in which plaintiff is proceeding *in propria persona*, was referred to the undersigned under Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1).

² Although it appears from the file that plaintiff’s copy of the 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

1 Accordingly, it is RECOMMENDED that this action be DISMISSED without prejudice
2 for failure to state a claim as set forth in the February 21, 2019 findings and recommendations
3 (ECF No. 22).

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
6 after being served with these findings and recommendations, any party may file written
7 objections with the court and serve a copy on all parties. Such a document should be captioned
8 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
9 objections shall be served and filed within fourteen days after service of the objections. The
10 parties are advised that failure to file objections within the specified time may waive the right to
11 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
12 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

13 Dated: June 25, 2019.

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15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE
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the party is fully effective.