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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK MARTINEZ RAMIREZ,
Plaintiff,
v.
JERRY BROWN, et al.,
Defendants.

No. 2:18-cv-1835 MCE DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims defendants violated his rights when officers used excessive force, filed false disciplinary reports against him, and failed to provide him with adequate medical and mental health treatment.

By order dated May 20, 2019, plaintiff's second amended complaint was dismissed for failure to state a claim. (ECF No. 41.) Plaintiff was given leave to file an amended complaint within thirty days. Thereafter, plaintiff filed a notice indicating he was transferred and placed in solitary confinement. (ECF No. 44.) Plaintiff did not request additional time in which to file an amended complaint, but indicated that he had not yet received his property at the new facility. In light of his filing, the court granted plaintiff additional time in which to file an amended complaint. (ECF No. 45.) The court ordered plaintiff to file his amended complaint no later than July 11, 2019.


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1 Thereafter, plaintiff filed a letter entered on the docket on June 13, 2019. (ECF No. 47.)
2 By order dated August 1, 2019, the court directed plaintiff to dismiss this action or file an
3 amended complaint within fourteen days. Plaintiff was warned that failure to comply with the
4 court's order would result in a recommendation that this action be dismissed. Those fourteen
5 days have passed, and plaintiff has not filed an amended complaint, requested additional time to
6 file an amended complaint, updated his address, or otherwise complied with the court's order.

7 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
8 prejudice.

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

16 Dated: September 4, 2019

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20 DEBORAH BARNES
21 UNITED STATES MAGISTRATE JUDGE
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26 DLB:1/Orders/Prisoner/Civil.Rights/rami1835.fsc
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