

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WESLEY ELVIS PEDEN,
Plaintiff,
v.
MARCIA ROGERS, et al.,
Defendants.

No. 2:18-cv-2681-JAM-EFB PS

FINDINGS AND RECOMMENDATIONS

On July 6, 2020, the court screened plaintiff’s complaint pursuant to 28 U.S.C. § 1915(e)(2). The court dismissed the complaint for failure to state a claim, explained the deficiencies therein, and granted plaintiff thirty days in which to file an amended complaint to cure the deficiencies. ECF No. 5. The order warned plaintiff that failure to file an amended complaint could result in the 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. Thus, it appears that plaintiff is unable to cure the defects in the complaint.

Accordingly, it is RECOMMENDED that this action be DISMISSED without prejudice for failure to state a claim as set forth in the July 6, 2020 order. ECF No. 5.

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 days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
3 objections shall be served and filed within fourteen days after service of the objections. The
4 parties are advised that failure to file objections within the specified time may waive the right to
5 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
6 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

7 Dated: August 10, 2020.

8 
9 EDMUND F. BRENNAN
10 UNITED STATES MAGISTRATE JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28