

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

THOMAS JOSEPH MELGER,  
Plaintiff,  
v.  
COUNTY OF PLACER, et al.,  
Defendants.

No. 2:18-cv-3045 CKD P

ORDER AND  
FINDINGS AND RECOMMENDATIONS

By order filed July 23, 2019, plaintiff's amended and second complaints were dismissed and thirty days leave to file a third amended complaint was granted. Plaintiff was warned that failure to file a third amended complaint within 30 days would result in a recommendation that this action be dismissed. The thirty-day period has now expired, and plaintiff has not filed a third amended complaint.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case; and

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 after being served with these findings and recommendations, plaintiff may file written objections with

1 the court. The document should be captioned “Objections to Magistrate Judge’s Findings and  
2 Recommendations.” Plaintiff is advised that failure to file objections within the specified time  
3 waives the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.  
4 1991).

5 Dated: September 10, 2019

  
\_\_\_\_\_  
6 CAROLYN K. DELANEY  
7 UNITED STATES MAGISTRATE JUDGE  
8  
9

10 1  
11 melg3045.fta  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28