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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLTON DWAYNE FIELDS,  
Plaintiff,  
v.  
SCOTT KERNAN,  
Defendant.

No. 2:18-cv-3130 DB P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

By order issued April 27, 2020, plaintiff’s complaint was dismissed for failure to state a claim upon which relief could be granted, and plaintiff was given sixty days leave to file an amended complaint. (ECF No. 8). On July 1, 2020, plaintiff was granted an additional sixty days within which to file an amended complaint. (ECF No. 18). Sixty days from that date have now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a District Court Judge to this action.

IT IS FURTHER RECOMMENDED that this action be DISMISSED without prejudice for failure to state a claim upon which relief may be granted. See 28 U.S.C. § 1915A(b)(1); Fed. R. Civ. P. 41(b); Local Rule 110.

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1           These findings and recommendations are submitted to the United States District Judge  
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after  
3 being served with these findings and recommendations, plaintiff may file written objections with  
4 the court. The document should be captioned “Objections to Magistrate Judge’s Findings and  
5 Recommendations.” Plaintiff is advised that failure to file objections within the specified time  
6 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th  
7 Cir. 1991).

8 Dated: September 8, 2020

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11 DEBORAH BARNES  
12 UNITED STATES MAGISTRATE JUDGE

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