

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

WILLIAM JEROME MARQUISE COOK,
Plaintiff,
v.
WEST,
Defendant.

No. 2:20-cv-0588 KJM AC P

FINDINGS AND RECOMMENDATIONS

On June 11, 2021, plaintiff’s complaint was screened. ECF No. 15. At that time, it was determined that the pleading failed to state claims upon which relief may be granted against the sole defendant, and plaintiff was given thirty days leave to file an amended complaint. See id. at 3-4, 6 (finding no cognizable First or Eighth Amendment violations and informing that emotional injury alone is not actionable). Thirty days from that date have since passed, and plaintiff has neither filed an amended complaint nor responded to the court’s order in any way.

Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED without prejudice for failure to prosecute. 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 twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings

1 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
2 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
3 (9th Cir. 1991).

4 DATED: July 20, 2021

5 
6 ALLISON CLAIRE
7 UNITED STATES MAGISTRATE JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28