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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR TAYLOR,
Plaintiff,
v.
LONDON BIRD,
Defendant.

No. 2:20-cv-2007 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis pursuant to 42 U.S.C. § 1983. Recently, plaintiff’s complaint was screened and found to not state any cognizable claims. (ECF No. 12.) Plaintiff was granted leave to file notice as to whether he wished to file a first amended complaint curing the deficiencies identified by in the order, a notice of voluntary dismissal, or a notice of election to stand on the complaint. Plaintiff has filed a notice of election to stand on the complaint. Accordingly, the undersigned will recommend the complaint be dismissed for the reasons set forth in the March 15, 2021 order (ECF No. 12).

For these reasons, IT IS HEREBY ORDERED that the Clerk of the Court assign a district judge to this case.

In addition, IT IS HEREBY RECOMMENDED that plaintiff’s complaint be dismissed with leave to amend and that plaintiff be granted 30 days to file an amended complaint after any order adopting this recommendation.

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

Dated: April 15, 2021



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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