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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WIENDI MORGAN,
Plaintiff,
v.
K. WONG, *et al.*,
Defendants.

Case No. 2:21-cv-00747-TLN-JDP (PS)

FINDINGS AND RECOMMENDATIONS

On January 23, 2023, I screened plaintiff’s first amended complaint, notified her that it failed state a claim, and granted her thirty days to file an amended complaint. ECF No. 7. Plaintiff failed to timely file an amended complaint. Accordingly, on April 10, 2023, I ordered her to show cause within fourteen days why this action should not be dismissed for failure to prosecute and failure to state a claim. ECF No. 8. I notified her that if she wished to continue with this lawsuit, she must file an amended complaint. I also warned plaintiff that failure to comply with the April 10 order would result in a recommendation that this action be dismissed.¹ *Id.*

¹ Although it appears from the file that plaintiff’s copy of the April 10, 2023 order was returned, plaintiff was properly served. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 The deadline has passed, and plaintiff has not filed an amended complaint or otherwise
2 responded to the April 10, 2023 order. Accordingly, it is hereby RECOMMENDED that:

3 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
4 and failure to state a claim for the reasons set forth in the January 23, 2023 order.

5 2. The Clerk of Court be directed to close the case.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, any party may file written
9 objections with the court and serve a copy on all parties. Such a document should be captioned
10 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
11 objections shall be served and filed within fourteen days after service of the objections. The
12 parties are advised that failure to file objections within the specified time may waive the right to
13 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
14 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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16 IT IS SO ORDERED.

17 Dated: May 24, 2023

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20 JEREMY D. PETERSON
21 UNITED STATES MAGISTRATE JUDGE
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