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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN SCOTT McCLINTOCK,
Plaintiff,
v.
G. VALENCIA, et al.,
Defendants.

No. 2:21-cv-0850-TLN-EFB (PC)

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).


On May 24, 2022, the court screened plaintiff’s third amended complaint pursuant to 28 U.S.C. § 1915A. ECF No. 22. The court dismissed the complaint, explained the deficiencies therein, and granted plaintiff thirty days in which to file an amended complaint to cure the deficiencies. *Id.* The screening order warned plaintiff that failure to comply would result in a recommendation that this action be dismissed. In response to the order, plaintiff filed “objections,” stating that the order directing him to file another complaint is “wrong.” ECF No. 23 at 1. The time for filing a fourth amended complaint has now passed and it appears that plaintiff is unable or unwilling to cure the defects in the complaint.

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1 Accordingly, it is RECOMMENDED that this action be dismissed without prejudice for
2 the reasons set forth in the May 24, 2022 screening order (ECF No. 22).

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

12 Dated: June 27, 2022.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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