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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERY CROSS,
Plaintiff,
v.
SACRAMENTO JAIL MEDICAL, *et al.*,
Defendants.

Case No. 2:21-cv-02016-KJM-JDP (PC)

FINDINGS AND RECOMMENDATIONS

On September 1, 2022, I screened plaintiff's first amended complaint, notified him that it failed to state a claim, and gave him thirty days to file an amended complaint. ECF No. 10. I also warned him that failure to comply with the September 1 order could result in dismissal of this action. *Id.* at 4. Plaintiff did not file an amended complaint. Accordingly, on November 2, 2022, I ordered him to show cause within twenty-one days why this action should not be dismissed. ECF No. 11. I notified him that if he wished to continue with this action, he must file, within twenty-one days, an amended complaint. I also warned him that failure to comply with the order would result in a recommendation that this action be dismissed. *Id.*

Plaintiff filed a response to the order to show cause, but he did not file an amended complaint or indicate with sufficient clarity that he wished to stand by his complaint. *See* ECF No. 12. Therefore, on December 21, 2022, I granted plaintiff thirty days to either file an amended complaint or notify the court that he wished to stand by his complaint, subject to dismissal.

1 ECF No. 13. After that deadline had passed and plaintiff had not filed an amended complaint or
2 otherwise responded to the December 21, 2022 order, I recommended on March 8, 2023, that this
3 action be dismissed for failure to prosecute, failure to comply with court orders, and failure to
4 state a claim. ECF No. 14. Plaintiff filed untimely objections, but in light of his pro se status, on
5 April 14, 2023, I vacated my findings and recommendations and granted him thirty days to file an
6 amended complaint. ECF No. 16.

7 Plaintiff has not filed an amended complaint, but instead has filed a letter stating that he
8 has provided all relevant information and understands that this action may be dismissed. ECF
9 No. 17. Since plaintiff has again failed to comply with a court order and failed to prosecute this
10 action, I recommend that this action be dismissed, and that the Clerk of Court close this case.

11 Accordingly, it is hereby RECOMMENDED that:

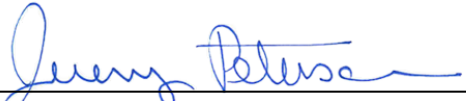
12 1. This action be dismissed for failure to prosecute and failure to comply with court
13 orders.

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

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

24
25 IT IS SO ORDERED.

26 Dated: July 10, 2023

27 
28 JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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