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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN KEITH MCNUTT,
Plaintiff,
v.
WARDEN, CSP-FOLSOM, et al.,
Defendants.

No. 2:22-cv-0121 KJN P

ORDER and FINDINGS &
RECOMMENDATIONS

By order filed March 22, 2022, plaintiff’s complaint was dismissed and thirty days leave to file an amended complaint was granted. On April 22, 2022, plaintiff was granted an additional ninety days in which to file an amended complaint. Ninety days from that date have now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.¹

Accordingly, IT IS HEREBY ORDERED that the Clerk shall assign a district judge to this action.

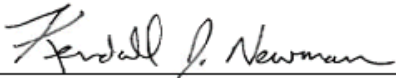
IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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 fourteen days

¹ The CDCR inmate locator reflects that plaintiff is no longer in state custody.

1 after being served with these findings and recommendations, plaintiff may file written objections
2 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
3 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
4 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
5 (9th Cir. 1991).

6 Dated: August 2, 2022

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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