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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SASHUS JAMAL SANDERS,
Plaintiff,
v.
WENDY BEHAN, *et al.*,
Defendants.

Case No. 2:22-cv-01287-DJC-JDP (PS)

AMENDED FINDINGS AND
RECOMMENDATIONS¹

On January 12, 2023, I screened plaintiff’s complaint, notified him that it failed to state a claim, and granted him thirty days to file an amended complaint. ECF No. 3. Plaintiff failed to timely file an amended complaint. Accordingly, on April 5, 2023, I ordered him 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. 5. I notified him that if he wished to continue with this lawsuit, he must file an amended complaint. I also warned plaintiff that failure to comply with the April 5 order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not filed an amended complaint or otherwise responded to the April 5, 2023 order. Accordingly, it is hereby RECOMMENDED that:

¹ On June 6, 2023, I recommended that this action be dismissed for failure to prosecute, failure to comply with court orders, and failure to state a claim. ECF No. 6. I did not, however, state whether the dismissal should be with or without prejudice. This amended findings and recommendations specifies that the dismissal should be without prejudice.

1 1. This action be dismissed without prejudice for failure to prosecute, failure to comply
2 with court orders, and failure to state a claim for the reasons set forth in the January 12, 2023
3 order.

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

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

14
15 IT IS SO ORDERED.

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17 Dated: July 22, 2023



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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