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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL E. JACQUES,

 Plaintiff,

 v.

R. WEISS, et al.,

 Defendants.

No. 2:23-cv-0346-SCR P

ORDER AND FINDINGS &
RECOMMENDATIONS

By order filed July 15, 2024, plaintiff was granted an extension of time of 60 days to file a second amended complaint pursuant to the court’s order of May 21, 2024. That time period expired, and plaintiff did not file a second amended complaint or otherwise respond to the court’s order. On October 31, 2024, the court gave plaintiff one more opportunity to file a second amended complaint or otherwise respond to the court’s order and warned plaintiff that failure to do so would result in a recommendation that this action be dismissed. That time too has expired and plaintiff has not filed a second amended complaint or otherwise responded to the court’s most recent order.

For the reasons set forth above, IT IS HEREBY ORDERED that the Clerk of the Court shall assign a district judge to this case; and

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1 IT IS RECOMMENDED that this action be dismissed without prejudice for failure to
2 state a cognizable claim, for reasons provided in the court’s order of May 21, 2024, which are
3 incorporated herein; for failure to prosecute; and for failure to follow the court’s order. See Local
4 Rule 110; Fed. R. Civ. P. 41(b).

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 21 days after
7 being served with these findings and recommendations, plaintiff may file written objections with
8 the court and serve a copy on all parties. Such a document should be captioned “Objections to
9 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
10 objections within the specified time may waive the right to appeal the District Court’s order.
11 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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13 Dated: November 22, 2024

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17 SEAN C. RIORDAN
18 UNITED STATES MAGISTRATE JUDGE
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