

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LARRY DALE JOHNSON,

3:15-CV-00581-AC

Plaintiff,

ORDER

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#76) on July 27, 2016, in which he recommends the Court dismiss Plaintiff's Amended Complaint (#65) *sua sponte* with leave to amend "only to seek to compel the BOP to decide whether to accept or reject his underlying administrative claim, under the APA."

1 - ORDER

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **DISMISSES** Plaintiff's Amended Complaint (#65). The Court **GRANTS** Plaintiff leave to file a Second Amended Complaint **no later than March 16, 2017**, only to seek to compel the BOP to decide whether to accept or reject his underlying administrative claim under the APA.

The Court advises Plaintiff that the Magistrate Judge will review Plaintiff's Second Amended Complaint and will recommend *sua sponte* dismissal of the Second Amended Complaint if it fails to comply with the July 27, 2016, Findings and Recommendation or this Court's Order. If Plaintiff fails to file a Second Amended Complaint by March 16, 2017, or if Plaintiff's Second Amended Complaint does not comply with the Findings and Recommendation or this Court's Order, the Court will dismiss this matter with

prejudice.

IT IS SO ORDERED.

DATED this 24th day of February, 2017.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge