UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN MOISES NIETO,

Plaintiff,

v.

LYNCH, et al.,

Defendants.

No. 2:23-cv-0063 AC P

ORDER AND FINDINGS & RECOMMENDATIONS

By order filed October 17, 2023, the complaint was screened and found to not state a claim for relief. ECF No. 8. Plaintiff was given thirty days to file an amended complaint and cautioned that failure to do so would result in a recommendation that this action be dismissed. Id. at 7-8. After plaintiff failed to file an amended complaint, he was given an additional twenty-one days to amend the complaint and warned that failure to do so would result in a recommendation that this action be dismissed without further warning. ECF No. 11. Twenty-one days have now passed, and plaintiff has not filed an amended complaint or otherwise responded to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly assign a United States District Judge to this action.

IT IS FURTHER RECOMMENDED that the complaint be dismissed for failure to state a claim for the reasons set forth in the October 17, 2023 Screening Order (ECF No. 8). See L.R.

110; Fed. R. Civ. P. 41(b); 28 U.S.C. § 1915A.

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

DATED: January 12, 2024

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE