

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bennett v. Via Path Technologies, et al.

Bennett · No. 2:24-cv-0769-TLN-CKD P · Decided July 30, 2025

SUMMARY

The magistrate judge recommends dismissing the action without prejudice because the plaintiff did not file an amended complaint or request an extension after the original complaint was dismissed with leave to amend. The recommendation is submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), and the plaintiff is given fourteen days to file objections.

OPINION

(PC) Bennett v. Via Path Technologies
PER CURIAM.

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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 DAVID BENNETT, No. 2:24-cv-0769-TLN-CKD P
12 Plaintiff,

13 v. FINDINGS & RECOMMENDATIONS

14 VIA PATH TECHNOLOGIES, et al., 15 Defendants. 16 17 18 By order filed May 29, 2025
(ECF No. 16), plaintiff’s complaint was dismissed and thirty 19 days leave to file an amended
complaint was granted. The time granted for that purpose has 20 expired and plaintiff has not filed
an amended complaint or sought an extension of time to do so. 21 Accordingly, IT IS HEREBY
RECOMMENDED that this action be dismissed without 22 prejudice. See Local Rule 110; Fed.
R. Civ. P. 41(b). 23 These findings and recommendations are submitted to the United States
District Judge 24 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
fourteen days 25 after being served with these findings and recommendations, plaintiff may file
written objections 26 with the court and serve a copy on all parties. Such a document should be
captioned 27 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is
advised that 28 /// 1 | failure to file objections within the specified time may waive the right to
appeal the District 2 | Court’s order. Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 3 | Dated:
July 30, 2025 a / dip i

4 CAROLYNK. DELANEY

5 UNITED STATES MAGISTRATE JUDGE

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