

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jesse James Rayburn v. California Highway Patrol, et al.

Rayburn · No. 24-cv-02704 SCR P · Decided March 28, 2025

OPINION

(PC) Rayburn v. California Highway Patrol

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 JESSE JAMES RAYBURN, No. 24-cv-02704 SCR P

12 Plaintiff,

13 v. ORDER AND FINDINGS AND

RECOMMENDATIONS

14 CALIFORNIA HIGHWAY PATROL, et

al., 15 Defendants. 16 17 Plaintiff is a county prisoner in the state of Arkansas proceeding pro se
in this civil rights 18 action under 42 U.S.C. § 1983. By order filed February 6, 2025, the court
found plaintiff’s first 19 amended complaint did not state any claim for relief and granted thirty
days leave to file an 20 amended complaint. (ECF No. 6.) The order advised that if Plaintiff does
not file a second 21 amended complaint within 30 days, the court will issue Findings and
Recommendations that the 22 action be dismissed for failure to state a claim upon which relief
may be granted. (Id. at 6.) The 23 time granted for that purpose has expired, and plaintiff has not
filed an amended complaint, or 24 otherwise responded to the court’s order. 25 ///// 26 ///// 27 /////
28 /////] Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly 2 ||
assign a district judge to this action. 3 In addition, IT IS HEREBY RECOMMENDED that this
action be dismissed without 4 || prejudice for failure to state a claim upon which relief can be
granted, for the reasons explained in 5 || the court’s earlier order, ECF No. 6. See 28 U.S.C. §
1915A(b)(1). 6 These findings and recommendations are submitted to the United States District
Judge 7 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-
one days 8 | after being served with these findings and recommendations, plaintiff may file written
objections 9 || with the court. Such a document should be captioned “Objections to Magistrate
Judges Findings 10 | and Recommendations.” Plaintiff is advised that failure to file objections
within the specified 11 | time may waive the right to appeal the District Court’s order. Martinez v.
YIst, 951 F.2d 1153 12 | (9th Cir. 1991). 13 | DATED: March 27, 2025. 14 15 17

SEAN C. RIORDAN

18 UNITED STATES MAGISTRATE JUDGE

19 20 21 22 23 24 25 26 27 28

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