

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Mikel Lee Plett v. Gelman

Plett v. Gelman · No. 2:25-cv-0332-DAD-EFB (PC) · Decided January 13, 2026

OPINION

Gellman

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 MIKEL LEE PLETT, No. 2:25-cv-0332-DAD-EFB (PC)

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 GELMAN,

15 Defendant. 16

17 Plaintiff, a state inmate, proceeds without counsel in an action brought under 42 U.S.C. § 18
1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 19
636(b)(1). 20 On November 12, 2025, the court screened plaintiff's complaint pursuant to 28
U.S.C. § 21 1915A. ECF No. 15. The court dismissed the complaint for failure to state a claim,
with leave to 22 amend within 30 days. Id. The screening order warned plaintiff that failure to
comply could 23 result in a recommendation that this action be dismissed. 24 The time for acting
has now passed and plaintiff has not filed an amended complaint or 25 otherwise responded to the
court's order. Thus, it appears that plaintiff is unable or unwilling to 26 cure the defects in the
complaint. 27 //// 28 //// 1 Accordingly, it is RECOMMENDED that this action be DISMISSED
without prejudice 2 for the reasons stated in the November 12, 2025 screening order. 3 These
findings and recommendations are submitted to the United States District Judge 4 assigned to the
case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 5 after being
served with these findings and recommendations, any party may file written 6 objections with the
court and serve a copy on all parties. Such a document should be captioned 7 "Objections to
Magistrate Judge's Findings and Recommendations." Any response to the 8 objections shall be
served and filed within fourteen days after service of the objections. The 9 parties are advised that
failure to file objections within the specified time may waive the right to 10 appeal the District
Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez* 11 v. *Ylst*, 951 F.2d

1153 (9th Cir. 1991). 12 Dated: January 13, 2026 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27
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