

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Angel Jesus Magana v. Gary Redman

Magana · No. 2:23-cv-0016 CKD P · Decided March 13, 2023

SUMMARY

The court recommends dismissal of Angel Jesus Magana’s action because he failed to file an amended complaint within the time allowed. The matter was referred to a district judge, and the plaintiff was advised that objections to the findings and recommendations were due within fourteen days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 13, 2023
DOCKET	2:23-cv-0016 CKD P
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner civil-rights action in which the magistrate judge recommended dismissal after plaintiff failed to file an amended complaint within the time granted by the court.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Angel Jesus Magana v. Gary Redman

TOPICS

pleadings civil procedure section 1983 prisoners rights

PRACTICE AREAS

civil procedure prisoner civil rights

QUESTIONS PRESENTED

- Whether the action should be recommended for dismissal after plaintiff failed to file the amended complaint ordered by the court.

HOLDINGS

- 1. Because plaintiff failed to file the amended complaint within the time allowed after being warned of the consequence, dismissal of the action was recommended.

KEY QUOTATIONS

“Plaintiff has not filed an amended complaint. Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case; and IT IS HEREBY RECOMMENDED that this action be dismissed.” (at 1)

FACTUAL BACKGROUND

The court had granted plaintiff thirty days to file an amended complaint. Plaintiff failed to file the amended complaint despite being warned that the action would be recommended for dismissal if he did not do so.

PROCEDURAL HISTORY

On January 26, 2023, plaintiff was granted thirty days to file an amended complaint and was warned that failure to do so would result in a recommendation of dismissal. Plaintiff did not file an amended complaint. The magistrate judge ordered assignment of a district judge and recommended dismissal, subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Magana v. Redman

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ANGEL JESUS MAGANA, No. 2:23-cv-0016 CKD P

12 Plaintiff,

13 v. ORDER AND

14 GARY REDMAN, FINDINGS AND RECOMMENDATIONS

15 Defendant. 16

17 On January 26, 2023, plaintiff was granted thirty days to file an amended complaint. 18
Plaintiff was warned that failure to file an amended complaint would result in a recommendation

19 that this action be dismissed. Plaintiff has not filed an amended complaint. 20 Accordingly, IT
IS HEREBY ORDERED that the Clerk of the Court assign a district 21 court judge to this case;
and 22 IT IS HEREBY RECOMMENDED that this action be dismissed. 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.
The document should be captioned “Objections to Magistrate Judge’s Findings 27 and
Recommendations.” Plaintiff is advised that failure to file objections within the specified 28 // 1
|| time waives the right to appeal the District Court’s order. Martinez v. YIst, 951 F.2d 1153 (9th 2 |
Cir. 1991). 3 | Dated: March 13, 2023 Card Kt | ([z4 □□□
4 CAROLYNK.DELANEY
5 UNITED STATES MAGISTRATE JUDGE
6 7 8 9 mnaga0016.fs 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28