

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PRECEDENTIAL VALUE	nonprecedential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

1. 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)