

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gallegos v. Thayer

Gallegos v. Thayer · No. 2:25-cv-0327 DAD CKD P · Decided May 1, 2025

SUMMARY

A magistrate judge recommends dismissing Benjamin Robert Gallegos's 42 U.S.C. § 1983 action without prejudice because he failed to file a required second amended complaint. The recommendation also advises denying as moot his request for injunctive relief and explains the procedure and deadline for filing objections.

OPINION

(PC) Gallegos v. Thayer

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 BENJAMIN ROBERT GALLEGOS, No. 2:25-cv-0327 DAD CKD P

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 THAYER, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 18 1983. On March 20, 2025, plaintiff’s amended complaint was dismissed with leave to file a 19 second amended complaint. The second amended complaint was due on April 21, 2025. Plaintiff 20 has not filed a second amended complaint. 21 Accordingly, IT IS HEREBY RECOMMENDED that: 22 1. This action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 23 41(b). 24 2. Plaintiff’s request for injunctive relief, ECF No. 13, be denied as moot. 25 These findings and recommendations are submitted to the United States District Judge 26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days 27 after being served with these findings and recommendations, plaintiff may file written objections 28 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings 1 | and Recommendations.” Plaintiff is advised that failure to file objections within the specified 2 || time waives the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th 3 || Cir. 1991). 4 | Dated: April 30, 2025 Card ke yy a 5 CAROLYN K DELANEY?

6 UNITED STATES MAGISTRATE JUDGE

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