

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

Valenzuela v. Thorntona

Valenzuela · No. 2:23-cv-02494-DAD-EFB (PC) · Decided May 19, 2025

OPINION

(PC) Valenzuela v. Thorntona

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 MARIO A. VALENZUELA, No. 2:23-cv-02494-DAD-EFB (PC)

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 THORNTONA, et al., 15 Defendants. 16 Plaintiff, a state inmate, proceeds without counsel in
an action brought under 42 U.S.C. § 17 1983. This proceeding was referred to this court by Local
Rule 302 pursuant to 28 U.S.C. § 18 636(b)(1). 19 On February 21, 2025, the court screened
plaintiff's first amended complaint pursuant to 20 28 U.S.C. § 1915A. ECF No. 16. The court
dismissed the complaint for failure to state a claim 21 and granted plaintiff thirty days in which to
file a second amended complaint to cure the 22 deficiencies. Id. The screening order warned
plaintiff that failure to comply could result in a 23 recommendation that this action be dismissed.
24 The time for acting has now passed and plaintiff has not filed a second amended 25 complaint
or otherwise responded to the court's order. Thus, it appears that plaintiff is unable or 26 unwilling
to cure the defects in the complaint. 27 /// 28] Accordingly, it is RECOMMENDED that this
action be DISMISSED without prejudice 2 | for the reasons stated in the February 21, 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. Yést, 951 F.2d 1153 (9th Cir. 1991). Dated 13 || Dated: May 19, 2025 Lal ltti¢l 7 □

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EDMUND F. BRENNAN

14 UNITED STATES MAGISTRATE JUDGE

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