UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ARVIND VYAS GOPAL, Plaintiff, v. JOHNSON, et al., Defendants.	No. 2:25-cv-01372-DAD-CKD P FINDINGS & RECOMMENDATIONS

Plaintiff Arvind Gopal, a state prisoner, proceeds pro se and in forma pauperis under 42 U.S.C. § 1983. This matter is referred to the undersigned by Local Rule 302. See 28 U.S.C. § 636(b)(1).

By order filed October 10, 2025, the undersigned dismissed plaintiff's complaint with leave to amend. (ECF No. 8.) Plaintiff sought and was granted an extension of time to file an amended complaint. (ECF Nos. 11, 12.)

On March 2, 2026, after plaintiff failed to file any amended complaint, the undersigned recommended this case be dismissed without prejudice for plaintiff's failure to prosecute. (ECF No. 13.) Plaintiff then filed another motion requesting an extension of time, although the motion did not clearly state for what purpose plaintiff sought the extension of time. (ECF No. 14.)

On March 27, 2026, the undersigned vacated the recommendation to dismiss this case for failure to prosecute and granted plaintiff an additional 30 days from the date of that order to file

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

an amended complaint. (ECF No. 15.) The additional time granted for plaintiff to file an amended complaint after the undersigned vacated the recommendation to dismiss this case has expired. More than three months have gone by and plaintiff has not responded to the court's most recent order.

Accordingly, this action should be dismissed for failure to state a claim for the reasons set forth in the screening order dated October 10, 2025. (ECF No. 8.) Although, at that time, the undersigned granted leave to amend, plaintiff has had ample time to file an amended complaint and has not done so or explained why he has not done so. The undersigned gave plaintiff notice of the deficiencies in the Eighth Amendment "failure-to-protect" claim he seeks to bring more than eight months ago. (See id.) It now clearly appears plaintiff cannot state a claim for relief such that this action should be dismissed for the reasons set forth in that prior order.

In accordance with the above, IT IS RECOMMENDED as follows:

1. This action be dismissed for failure to state a claim.
2. The Clerk of the Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within 14 days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: July 2, 2026

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

8 gopa1372.fr