

# APPENDIX A

---

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK WILEY,

No. 2:20-cv-1738 CKD P

Plaintiff,

1

R. MASTERSON, et al.,

## ORDER AND

## **FINDINGS AND RECOMMENDATIONS**

## Defendants.

By order filed October 15, 2020, plaintiff's complaint was dismissed and thirty days leave to file an amended complaint was granted. The thirty day period has now expired, and plaintiff has not filed an amended complaint.

IT IS HEREBY ORDERED that the Clerk shall assign a district judge to this action.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See  
Local Rule 110; Fed. R. Civ. P. 41(b). 

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)(1). Within fourteen after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time

1111

# APPENDIX B

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

JUL 13 2022

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

PATRICK WILEY,

Plaintiff-Appellant,

v.

R. MASTERSON, Correctional Officer; et al.,

Defendants-Appellees.

No. 22-15895

D.C. No.

2:20-cv-01738-KJM-CKD

Eastern District of California,  
Sacramento

ORDER

Before: SILVERMAN, CALLAHAN, and COLLINS, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the notice of appeal, dated June 7, 2022, and filed on June 13, 2022, was not filed or delivered to prison officials within 30 days after the district court's judgment entered on January 25, 2021. *See 28 U.S.C. § 2107(a); United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional). Consequently, this appeal is dismissed for lack of jurisdiction.

**DISMISSED.**

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 PATRICK WILEY,

10 No. 2:20-cv-1738 KJM CKD P

12 Plaintiff,

13 ORDER

14 R. MASTERSON, et al.,

15 Defendants.

16

17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief  
18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided  
19 by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On December 10, 2020, the magistrate judge filed findings and recommendations, which  
21 were served on plaintiff and which contained notice to plaintiff that any objections to the findings  
22 and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the  
23 findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
25 court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the  
26 findings and recommendations to be supported by the record and by the proper analysis.

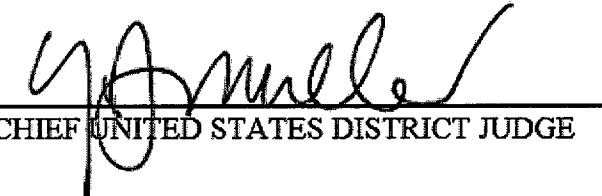
27 ////

28 ////

1           Accordingly, IT IS HEREBY ORDERED that:

2           1. The findings and recommendations filed December 10, 2020, are adopted in full;  
3           2. Plaintiff's amended complaint is dismissed without prejudice for failure to exhaust  
4           available administrative remedies prior to filing suit; and  
5           3. This case is closed.

6           DATED: January 25, 2021

7             
8           CHIEF UNITED STATES DISTRICT JUDGE

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28