

1 an extension of time within which to do so.

2 **RECOMMENDATION**

3 Based on the foregoing, the Court recommends,

- 4 1. That the complaint (Doc. 1) be DISMISSED, with prejudice, for failure to state a
5 claim.

6 These Findings and Recommendations are submitted to the United States District Judge
7 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the
8 Local Rules for the United States District Court, Eastern District of California. Within fourteen
9 (14) days after being served with a copy, any party may file written objections with the Court and
10 serve a copy on all parties. Such a document should be captioned “Objections to Magistrate
11 Judge’s Findings and Recommendations.” Replies to the objections shall be filed within seven
12 (7) days after service of the objections. The District Judge will then review the Magistrate
13 Judge’s ruling pursuant to 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the
14 specified time may waive the right to appeal the District Judge’s order. Martinez v. Ylst, 951
15 F.2d 1153 (9th Cir. 1991).

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17 IT IS SO ORDERED.

18 Dated: March 1, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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