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

ANTHONY GRAHAM,

Plaintiff,

No. 2:08-cv-2533 GEB KJN P

vs.

M. JAFFE, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/


By order filed February 9, 2010, plaintiff’s amended complaint was dismissed and thirty days leave to file a second amended complaint was granted. After an initial thirty day extension of time, plaintiff was granted a second extension of time. (Dkt. Nos. 22, 24.) On April 16, 2010, plaintiff was ordered to file his second amended complaint within forty-five days and warned that no further extensions of time would be granted. (Dkt. No. 24.) The forty-five day period has now expired, and plaintiff has not filed a second amended complaint or otherwise responded to the court’s order.

Accordingly, 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 twenty-

1 one days after being served with these findings and recommendations, plaintiff may file written
2 objections with the court. The document should be captioned "Objections to Magistrate Judge's
3 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
4 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
5 F.2d 1153 (9th Cir. 1991).

6 DATED: June 3, 2010

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10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE

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