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

LA MERLE RONNIE JOHNSON,

Plaintiff,

No. CIV S-09-0977 FCD KJM P

vs.

ARNOLD SCHWARZENEGGER, et al.,

ORDER AND

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

On January 14, 2010, the undersigned dismissed this action on the mistaken belief that plaintiff had consented to magistrate judge jurisdiction. Plaintiff, however, had declined magistrate judge jurisdiction on May 11, 2009.

Accordingly, IT IS HEREBY ORDERED that the dismissal of this action on January 14, 2010 is vacated.

IT IS HEREBY RECOMMENDED that, for the reasons stated in the court’s January 14, 2010 order, this matter be dismissed.

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 days 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

1 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
2 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
3 F.2d 1153 (9th Cir. 1991).

4 DATED: February 19, 2010.

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8 U.S. MAGISTRATE JUDGE
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