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

MAURICE VAN BUREN,

Petitioner,

No. CIV S-09-1274 KJM P

vs.

ED FOULK,

Respondent.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____/

On October 26, 2009, an order served on plaintiff's listed address was returned. On November 19, 2009, the court warned plaintiff that if he did not file his change of address within sixty days, the case would be dismissed. An order granting respondent's request for an extension of time served on plaintiff was also returned as undeliverable. Plaintiff has not filed his change of address or otherwise responded to the court's order of November 19, 2009.

IT IS THEREFORE ORDERED that the Clerk of Court assign a district judge to this action.

IT IS THEREFORE RECOMMENDED that this action is dismissed without prejudice for failure to comply with a court order.

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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-one 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 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: February 9, 2010.



U.S. MAGISTRATE JUDGE

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