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

KENNETH LOPEZ,

Plaintiff,

No. CIV S-09-1928 GEB GGH P

vs.

SUE HUBBARD, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

On April 28, 2010, defendant Garcia filed a motion to dismiss (Doc. 46). On May 17, 2010, plaintiff filed a non-opposition to the motion to dismiss (Doc. 51).

Therefore, IT IS HEREBY RECOMMENDED that defendant’s motion to dismiss be granted (Doc. 46) and defendant Garcia be dismissed from this action.

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 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the

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1 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
2 F.2d 1153 (9th Cir. 1991).

3 DATED: June 15, 2010

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/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH: AB
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