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

GILBERT ESCOBEDO,

Plaintiff,

No. CIV S-09-2504 JAM GGH P

vs.

S. SALINAS,

Defendant.

FINDINGS & RECOMMENDATIONS

_____ /

On December 16, 2009, plaintiff’s request for a reconsideration of the undersigned’s order dismissing plaintiff’s petition for writ of habeas corpus, re-designating the case as a civil rights action under 42 U.S.C. § 1983 and granting plaintiff leave to file an amended complaint was denied by the district judge. To date, plaintiff has not filed an amended complaint. Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed with 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 Title 28 U.S.C. § 636(b)(1). Within twenty 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

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1 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections
2 within the specified time may waive the right to appeal the District Court's order.

3 DATED: March 3, 2010

4 /s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE

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