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

ERIC JASON MARTINEZ,

Plaintiff,

No. CIV S-10-1795 MCE GGH P

vs.

F. FOULK, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

By order filed December 30, 2010, the court granted plaintiff twenty-eight days to file an amended complaint. In the December 30th order, the court informed plaintiff of the deficiencies in his complaint. The twenty-eight day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

For the reasons given in the December 30, 2010, order, 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 fourteen (14) 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

1 Judge's Findings and Recommendations." Any response to the objections shall be filed and
2 served within fourteen days after service of the objections. Plaintiff is advised that failure to file
3 objections within the specified time may waive the right to appeal the District Court's order.

4 DATED: March 7, 2011

5 /s/ Gregory G. Hollows

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7 GREGORY G. HOLLOWS
8 UNITED STATES MAGISTRATE JUDGE

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