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

BENJAMIN STICKEL,

Plaintiff,

No. 2:10-cv-2610 JFM (PC)

vs.

LT. MARSH,

Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

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By order filed December 14, 2010, plaintiff's amended complaint was dismissed and thirty days leave to file a second amended complaint was granted. The thirty day period has now expired, and plaintiff has not filed a second amended complaint or otherwise responded to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign this action to a United States District Judge; and

IT IS HEREBY RECOMMENDED that this action be dismissed without 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 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written

1 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
2 Findings and Recommendations." Any response to the objections shall be filed and served  
3 within fourteen days after service of the objections. Plaintiff is advised that failure to file  
4 objections within the specified time may waive the right to appeal the District Court's order.  
5 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: February 9, 2011.

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9 UNITED STATES MAGISTRATE JUDGE

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