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

REX CHAPPELL,

Plaintiff,

No. CIV S-10-2676 GGH P

vs.

DUC, et al.,

Defendants.

ORDER &

FINDINGS AND RECOMMENDATIONS

_____ /

By order filed December 14, 2011, the court granted plaintiff twenty-eight days to file an amended complaint. In the December 14th order, the court informed plaintiff of the deficiencies in his complaint. On January 11, 2011, plaintiff was granted a forty-five day extension of time to file his amended complaint. The forty-five day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court's order.

IT IS HEREBY ORDERED that the Clerk shall assign a district judge to this case.

For the reasons given in the December 14, 2011, 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

1 fourteen (14) days after being served with these findings and recommendations, plaintiff may file
2 written objections with the court. The document should be captioned "Objections to Magistrate
3 Judge's Findings and Recommendations." Any response to the objections shall be filed and
4 served within fourteen days after service of the objections. Plaintiff is advised that failure to file
5 objections within the specified time may waive the right to appeal the District Court's order.

6 DATED: March 21, 2011

7
8 /s/ Gregory G. Hollows

9 GREGORY G. HOLLOWES
10 UNITED STATES MAGISTRATE JUDGE

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