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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DEWAYNE KIMBLE,	)	Case No. CV 09-1265-DDP(RC)
	)	
Plaintiff,	)	
vs.	)	ORDER ADOPTING REPORT AND
	)	RECOMMENDATION OF UNITED STATES
LEE BACA, ET AL.,	)	MAGISTRATE JUDGE
	)	
Defendants.	)	
_____	)	

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the complaint along with the attached Report and Recommendation of United States Magistrate Judge Rosalyn M. Chapman, and has made a de novo determination.

IT IS ORDERED that (1) the Report and Recommendation is approved and adopted; and (2) the amended complaint and action are dismissed without prejudice under Rule 41(b) and due to plaintiff's failure to diligently prosecute.

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1 IT IS FURTHER ORDERED that the Clerk shall serve copies of  
2 this Order and the Magistrate Judge's Report and Recommendation by  
3 the United States mail on the plaintiff.

4  
5 DATED: September 25, 2009



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7 DEAN D. PREGERSON  
UNITED STATES DISTRICT JUDGE

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