IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCHEA JACKSON,

Plaintiff, No. CIV S-05-1531 LKK EFB P

vs.

D.L. RUNNELS, et al.,

Defendants. FINDINGS AND RECOMMENDATIONS

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On March 19, 2009, plaintiff was ordered to, within 20 days, either explain his failure to comply with the court's January 28, 2009 order, or to submit the documents required to effect service of the second amended complaint. The court cautioned plaintiff that failure to do so would result in a recommendation that this action be dismissed. The 20 day period has now expired, and plaintiff has not responded to the court's order or submitted the documents required to effect service of the second amended complaint. Accordingly, it is hereby RECOMMENDED that this action be dismissed without prejudice.

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)(l). Within twenty days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned

"Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

DATED: April 16, 2009.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE