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

10 FRED LEON JACKSON, SR.,

11 Plaintiff,

No. 2:05-cv-1872-LKK-JFM (PC)

12 vs.

13 DR. R. L. ANDREASEN, et al.,

14 Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

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16 By order filed April 4, 2008, this court directed plaintiff to file a pretrial statement  
17 on or before December 26, 2008. Plaintiff has not responded to the court's order. The court will  
18 therefore recommend that this action be dismissed without prejudice. See Fed. R. Civ. P. 16(f);  
19 Local Rule 11-110.

20 In accordance with the above, IT IS HEREBY ORDERED that:

- 21 1. Defendants are relieved from filing a pretrial statement.  
22 2. The pretrial conference set for January 9, 2009 is vacated; and

23 IT IS HEREBY RECOMMENDED that this action be dismissed without  
24 prejudice. See Fed. R. Civ. P. 16(f); Local Rule 11-110.

25 These findings and recommendations are submitted to the United States District  
26 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty

1 days after being served with these findings and recommendations, any party may file written  
2 objections with the court and serve a copy on all parties. Such a document should be captioned  
3 “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that  
4 failure to file objections within the specified time may waive the right to appeal the District  
5 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: January 13, 2009.

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9 UNITED STATES MAGISTRATE JUDGE

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