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

MARKUS E. TATUM,

Plaintiff,

No. CIV S-06-0587 GEB KJM P

vs.

C. K. PLILER, et al.,

Defendant.

FINDINGS AND RECOMMENDATIONS

On September 2, 2009, plaintiff was ordered to file an opposition to defendants' motion for summary judgment. Plaintiff was warned that failure to file an opposition would result in dismissal under Rule 41(b) of the Federal Rules of Civil Procedure. Despite being given two extensions of time to comply with the court's September 2, 2009 order, plaintiff has not done so. Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed.

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 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." Any reply to the objections shall be served and filed within ten days after service of the objections. The parties are advised

1 that failure to file objections within the specified time may waive the right to appeal the District
2 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: December 8, 2009.

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6 U.S. MAGISTRATE JUDGE

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