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

MATTHEW LEE JASPAR,

Plaintiff,

No. CIV S-06-1177 GEB EFB P

vs.

KHOURY, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. By order filed November 29, 2007, the court found that plaintiff had stated sufficient charging allegations against defendants Aguilera, Bick, Khoury, Donahue, and Bradley, and informed plaintiff he could proceed against those defendants only or file an amended complaint that attempted to also state a claim against defendants Hodges-Wilkins and Grannis. Plaintiff was informed that the court would consider his decision to proceed only as to defendants Aguilera, Bick, Khoury, Donahue, and Bradley as consent to the dismissal of the other named defendants. On January 9, 2008, plaintiff returned documents for service against defendants Aguilera, Bick, Khoury, Donahue, and Bradley.

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1           Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's claims against  
2 defendants Hodges-Wilkins and Grannis be dismissed without prejudice.

3           These findings and recommendations are submitted to the United States District Judge  
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fifteen days  
5 after being served with these findings and recommendations, any party may file written  
6 objections with the court and serve a copy on all parties. Such a document should be captioned  
7 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
8 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
9 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: January 29, 2009.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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