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

10 DENNIS K. ROTROFF,

11 Plaintiff,

No. CIV S-06-2319 LKK KJM P

12 vs.

13 STEPHEN MAYBERG, et al.,

14 Defendants.

FINDINGS & RECOMMENDATIONS

15 _____/
16 Plaintiff is a California prisoner proceeding pro se with an action for violation of
17 civil rights under 42 U.S.C. § 1983. On November 14, 2008, the court ordered plaintiff to file an
18 opposition to defendants' motion to dismiss. Plaintiff was warned that failure to file an
19 opposition would result in a recommendation that this matter be dismissed under Federal Rule of
20 Civil Procedure 41(b). Plaintiff has not filed an opposition. Accordingly, IT IS HEREBY
21 RECOMMENDED that this matter be dismissed.

22 These findings and recommendations are submitted to the United States District
23 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
24 days after being served with these findings and recommendations, any party may file written
25 objections with the court and serve a copy on all parties. Such a document should be captioned
26 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections

1 shall be served and filed within ten days after service of the objections. The parties are advised
2 that failure to file objections within the specified time may waive the right to appeal the District
3 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 DATED: January 8, 2009

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6 U.S. MAGISTRATE JUDGE

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