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

10 BARRY LAMON,

11 Plaintiff,

No. CIV S-07-0015 MCE EFB

12 vs.

13 C. STILES, et al.,

14 Defendants.

FINDINGS AND RECOMMENDATIONS

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16 Plaintiff is a state prisoner without counsel suing under 42 U.S.C. § 1983. The court  
17 previously found service appropriate for defendants Stiles, Jaffe, Johnson, Curren, Stabbe, and  
18 Hewette, and concluded that plaintiff had failed to state a cognizable claim against defendants  
19 Welch, Flynt, or Sharbourn. Order filed January 18, 2007. On February 7, 2007, plaintiff filed a  
20 request for reconsideration of this order. On May 3, 2007, the district judge assigned to this  
21 action affirmed.

22 Accordingly, it is hereby RECOMMENDED that plaintiff's claims against defendants  
23 Welch, Flynt, and Sharbourn be dismissed without prejudice.

24 These findings and recommendations are submitted to the United States District Judge  
25 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days  
26 after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned  
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
3 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
4 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: January 13, 2009.

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8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE  
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