

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

BARRY LAMON,

Plaintiff, No. CIV S-07-0015 MCE EFE

VS.

C. STILES, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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

Accordingly, it is hereby RECOMMENDED that plaintiff's claims against defendants 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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7 EDMUND F. BRENNAN
8 UNITED STATES MAGISTRATE JUDGE
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