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

DAVID WAYNE WILSON,

No. CIV S-07-1000-LKK-CMK-P

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

ARNOLD SCHWARZENEGGER,

Defendant.

_____ /

Plaintiff is a state prisoner proceeding pro se. This matter was transferred to this court from the United States District Court for the Northern District of California, where plaintiff's initial pleading was filed. A review of that pleading reveals that it bears the caption for this court and case number CIV-S-90-0520-LKK-JFM. Thus, this document appears to have been misfiled. In any event, a new action should not have been opened. Therefore, the court will recommend that this action be closed.

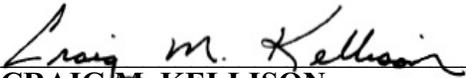
Based on the foregoing, the undersigned recommends that the Clerk of the Court be directed to close this action.

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1 These findings and recommendations are submitted to the United States District
2 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 20 days
3 after being served with these findings and recommendations, any party may file written
4 objections with the court. The document should be captioned "Objections to Magistrate Judge's
5 Findings and Recommendations." Failure to file objections within the specified time may waive
6 the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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8 DATED: June 5, 2007.

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11 **CRAIG M. KELLISON**
12 UNITED STATES MAGISTRATE JUDGE
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