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

GREGG L. BARNES,

Plaintiff,

No. CIV S-07-2299 LEW KJM P

vs.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

By an order filed October 26, 2007, plaintiff was ordered to file an amended complaint and an application to proceed in forma pauperis within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has now expired, and plaintiff has not responded to the court’s order. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the

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1 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
2 F.2d 1153 (9th Cir. 1991).

3 DATED: January 31, 2008.

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5 U.S. MAGISTRATE JUDGE

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