IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LONZELL GREEN,

Plaintiff, No. CIV S-07-2487 LKK DAD P

vs.

JAMES WALKER, et al.,

Defendants. FINDINGS & RECOMMENDATIONS

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On July 1, 2009, the court issued findings and recommendations, recommending dismissal of this action due to plaintiff's failure to file a second amended complaint within the time provided by the court. On July 13, 2009, plaintiff timely filed objections to the findings and recommendations. On September 21, 2009, the court vacated its findings and recommendations and granted plaintiff a final thirty-day extension of time in which to file a second amended complaint. Plaintiff was admonished that failure to do so would result in a recommendation for dismissal of this action. The thirty-day period has now expired, and plaintiff has not filed a second amended complaint or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

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

DATED: November 4, 2009.

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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