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

JONATHAN LEE RICHES,

Plaintiff,

No. CIV S-07-2653 LEW DAD P

vs.

NO CHILD LEFT BEHIND ACT et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

Plaintiff, a federal prisoner in South Carolina, has named Margaret Spellings, the U.S. Secretary of Education and the No Child Left Behind Act as defendants in this action. Plaintiff alleges that defendants have left him behind. Plaintiff fails to show that this is an appropriate venue for this action, see 28 U.S.C. § 1391 et. seq., or that his claim is cognizable, 28 U.S.C. § 1330 et. seq. Therefore, plaintiff’s complaint is frivolous and the court will recommend that it be dismissed. See 28 U.S.C. § 1915A(b)(1),(2).

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed.

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

1 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
2 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
3 F.2d 1153 (9th Cir. 1991).

4 DATED: December 18, 2007.

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7 _____
8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

8 DAD:9
9 rich2653.56

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