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

BRADY K. ARMSTRONG,

Plaintiff,

No. CIV S-08-0039 FCD KJM P

vs.

SILVEA GARCIA,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 27, 2010, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Neither party has filed objections to the findings and recommendations. On May 28, 2010, plaintiff filed a request for an extension of time to file objections. However, that request is not timely and plaintiff has not provided an adequate basis under Rule 6(b) of the Federal Rules of Civil Procedure for the court to excuse plaintiff's delay.

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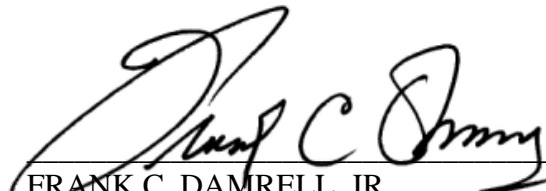
1 The court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
3 ORDERED that:

4 1. Plaintiff's request for an extension of time to file objections to the magistrate
5 judge's April 27, 2010 findings and recommendations is denied;

6 2. The findings and recommendations filed April 27, 2010, are adopted in full;
7 and

8 3. Defendant Gellete is dismissed without prejudice.

9 DATED: June 15, 2010.

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12 FRANK C. DAMRELL, JR.
13 UNITED STATES DISTRICT JUDGE
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