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

HAMISI MARSHALL,

Plaintiff,

No. CIV S-08-0268 MCE EFB P

vs.

YOLO COUNTY DISTRICT  
ATTORNEYS OFFICE, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On June 17, 2010, the court found that the complaint stated cognizable claims for relief against all defendants for violating his rights under the Fourth and Fourteenth Amendments to the United States Constitution for allegedly detaining and arresting him without sufficient cause, maliciously prosecuting him, and subjecting him to racial discrimination. The court further found that plaintiff had failed to state cognizable claims against defendants for violating the Eighth Amendment (construed as alleging a violation of the Fourteenth Amendment by imposing pretrial punishment) and the Thirteenth Amendment. The court gave plaintiff 30 days to submit materials for service of process on defendants, or, alternatively, 30 days to file an amended complaint to attempt to state cognizable claims under the Eighth and Thirteenth Amendments.

1 The times for acting passed and plaintiff did not submit the materials necessary to serve  
2 process on defendants, did not file an amended complaint or otherwise respond to the court's  
3 order.

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

6 These findings and recommendations are submitted to the United States District Judge  
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
8 after being served with these findings and recommendations, any party may file written  
9 objections with the court and serve a copy on all parties. Such a document should be captioned  
10 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
11 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
12 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

13 DATED: August 25, 2010.

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16 EDMUND F. BRENNAN  
17 UNITED STATES MAGISTRATE JUDGE  
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