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

JAMES TROTTER,

Plaintiff,

No. CIV S-08-0693 GEB KJM P

vs.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

By order filed February 10, 2010, plaintiff’s amended complaint was dismissed and thirty days leave to file a second amended complaint was granted. On March 8, 2010, plaintiff was granted an additional thirty days in which to file a second amended complaint. Plaintiff has not filed a second amended complaint.

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

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-one 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

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: May 20, 2010.

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5 U.S. MAGISTRATE JUDGE

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