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

JEROME JACKSON DENNY, JR.,

Petitioner,

No. CIV S-08-1614 DAD P

vs.

A. HEDGPETH,

ORDER AND

Respondent.

FINDINGS AND RECOMMENDATIONS

_____ /

By order filed September 22, 2008, petitioner’s petition was dismissed and thirty days leave to file an amended petition was granted. On October 21, 2008, petitioner was granted a thirty day extension to file an amended petition. On December 10, 2008, petitioner was granted an additional thirty days to file an amended petition and/or motion for stay and abeyance. The time period has now expired, and petitioner has not filed an amended petition and/or motion for stay and abeyance or otherwise responded to the court’s order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a United States District Judge to this action;

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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1 These findings and recommendations are submitted to the United States District
2 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
3 days after being served with these findings and recommendations, petitioner may file written
4 objections with the court. The document should be captioned "Objections to Magistrate Judge's
5 Findings and Recommendations." Petitioner is advised that failure to file objections within the
6 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
7 F.2d 1153 (9th Cir. 1991).

8 DATED: January 26, 2009.

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11 _____
12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

12 DAD:lg
13 denn1614.fta