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

DARONTA LEWIS,

Plaintiff,

No. CIV S-08-1764 KJM P

vs.

CHARLES ANTONEN, et al.,

Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____ /

By order filed May 21, 2009, plaintiff's complaint was dismissed and thirty days leave to file a second amended complaint was granted. The thirty day period has now expired, and plaintiff has not filed a second amended complaint or otherwise responded to the court's order.

Accordingly, IT IS HEREBY ORDERED that the clerk of the court assign a district court judge to this case.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; 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 days after being served with these findings and recommendations, plaintiff may file written

1 objections with the court. The document should be captioned "Objections to Magistrate Judge's
2 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
3 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
4 F.2d 1153 (9th Cir. 1991).

5 DATED: July 24, 2009.



U.S. MAGISTRATE JUDGE

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