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

TRI NGUYEN,

Plaintiff,

No. 2:08-cv-2983 JAM JFM (PC)

vs.

JOSEPH BICK, et al.,

Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

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By order filed November 22, 2010, this court directed plaintiff to file a pretrial statement on or before December 1, 2010. Plaintiff has not responded to the court's order. The court will therefore recommend that this action be dismissed without prejudice. See Fed. R. Civ. P. 16(f); Local Rule 110.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Defendants are relieved from filing a pretrial statement.
2. The pretrial conference set for December 22, 2010 is vacated; and

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ. P. 16(f); Local Rule 110.

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 fourteen

1 days after being served with these findings and recommendations, any party may file written  
2 objections with the court and serve a copy on all parties. Such a document should be captioned  
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
4 objections shall be filed and served within fourteen days after service of the objections. The  
5 parties are advised that failure to file objections within the specified time may waive the right to  
6 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 DATED: January 3, 2011.

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10 UNITED STATES MAGISTRATE JUDGE

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