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

MIKEL BROWN,

Plaintiff,

No. CIV S-09-0439 DAD P

vs.

SOLANO COUNTY JAIL,  
et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

By order filed July 20, 2009, plaintiff's second amended complaint was dismissed and plaintiff was granted thirty days to file a third amended complaint. On September 1, 2009, plaintiff was granted an additional sixty days to file his third amended complaint. The time period has now expired, and plaintiff has not filed a third amended complaint 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).

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 20 days

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

6 DATED: November 12, 2009.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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