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

BYRON L SCOTT,

Plaintiff,

No. 2:09-cv-0544 GEB KJN P

vs.

JAMES TILTON, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

Plaintiff is a state prisoner proceeding without counsel. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. On March 17, 2010, plaintiff filed a motion to voluntarily dismiss this action without prejudice.


Accordingly, IT IS HEREBY RECOMMENDED that the motion to dismiss (Dkt. No. 21) be granted, and this action be dismissed without prejudice. See Fed. R. Civ. P. 41(a).

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, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be filed and served within fourteen days after service of the objections. The

1 parties are advised that failure to file objections within the specified time may waive the right to
2 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: April 6, 2010

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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