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

LONNIE G. SCHMIDT, et al.,

Plaintiffs,

CIV. NO. S-09-660 LKK GGH PS

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

By order filed September 30, 2011, plaintiffs were ordered to complete service on the newly identified state defendants within thirty days. The thirty day period has now expired, and plaintiffs have not completed service or otherwise responded to the court’s order. Plaintiffs have apparently decided not to proceed with Claim III against these newly added defendants.

Accordingly, IT IS HEREBY RECOMMENDED that Claim III and defendants “unknown officers of Clovis Police,” Fresno County Sheriff, and El Dorado County Sheriff be dismissed from this action.

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). These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being

1 served with these findings and recommendations, any party may file written objections with the
2 court and serve a copy on all parties. Such a document should be captioned "Objections to
3 Magistrate Judge's Findings and Recommendations." Any reply to the objections shall be served
4 and filed within seven (7) days after service of the objections. The parties are advised that failure
5 to file objections within the specified time may waive the right to appeal the District Court's
6 order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 DATED: January 26, 2012

8 /s/ Gregory G. Hollows
9 UNITED STATES MAGISTRATE JUDGE

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