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

RUSSELL BERNARDINI,

Plaintiff,

No. CIV S-09-1134 FCD GGH PS

vs.

JAMES WALKER, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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Plaintiff is a state prisoner who is proceeding pro se and in forma pauperis.  
Plaintiff seeks relief pursuant to 42 U.S.C. § 1983.

By order filed May 29, 2009, the court determined that plaintiff had stated a colorable claim against defendant Callahan. The court also dismissed plaintiff's claims against defendants Cate, Schwarzenegger, and Walker with thirty days leave to amend. The thirty day period has now expired,<sup>1</sup> and plaintiff has not filed an amended complaint or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that defendants Cate, Schwarzenegger, and Walker be dismissed from this action without prejudice. See Local Rule

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<sup>1</sup> Plaintiff was granted an additional extension by order of August 24, 2009.

