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

DARRELL L. DIETLE,

Plaintiff,

No. CIV S-09-1142 FCD KJM P

vs.

MIKE McDONALD, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

By order filed November 25, 2009, plaintiff’s complaint was dismissed with leave to file an amended complaint. On January 13, 2010, plaintiff was granted an additional thirty days in which to file his amended complaint. The thirty day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

Accordingly, 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 twenty days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the

1 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
2 F.2d 1153 (9th Cir. 1991).

3 DATED: March 4, 2010.

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U.S. MAGISTRATE JUDGE

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