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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	ROBERT EARL DEARMON, JR.,
11	Plaintiff, No. CIV S-09-1309 GGH P
12	VS.
13	CITY OF ALBANY, et al.,
14	Defendants. <u>FINDINGS &amp; RECOMMENDATIONS</u>
15	/
16	Plaintiff is proceeding pro se with a civil rights action pursuant to 42 U.S.C. §
17	1983. On June 10, 2009, the court issued an order finding that the complaint stated a colorable
18	excessive force claim against defendants Arthur and Aries Pagsolingan. The court found that the
19	remaining claims in the amended complaint were not colorable and granted plaintiff thirty days
20	to file an amended complaint. Thirty days passed and plaintiff did not file an amended
21	complaint. The court has separately ordered service of defendants Arthur and Aries Pagsolingan.
22	Accordingly, for the reasons stated in the June 10, 2009, order the court
23	recommends dismissal of all claims in the complaint but for the excessive force claims against
24	defendants Arthur and Aries Pagsolingan.
25	IT IS HEREBY RECOMMENDED that all claims but for the excessive force
26	claims against defendants Arthur and Aries Pagsolingan be dismissed. The Clerk is directed to
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1 assign a district judge to this case.

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2	These findings and recommendations are submitted to the United States District
3	Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within twenty
4	days after being served with these findings and recommendations, any party may file written
5	objections with the court and serve a copy on all parties. Such a document should be captioned
6	"Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
7	shall be served and filed within ten days after service of the objections. The parties are advised
8	that failure to file objections within the specified time may waive the right to appeal the District
9	Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).
10	DATED: August 7, 2009
11	/s/ Gregory G. Hollows
12	UNITED STATES MAGISTRATE JUDGE
13	UNITED STATES WADISTRATE JUDGE
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