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

KENNETH LOPEZ,

Plaintiff,

No. CIV S-09-1928 GGH P

vs.

SUE HUBBARD, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

By order filed January 29, 2010, the court granted defendant Grannis’ motion to dismiss with leave to file an amended complaint within twenty-eight days. The twenty-eight day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

For the reasons given in the January 29, 2010, order, IT IS HEREBY RECOMMENDED that defendant Grannis be dismissed with prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b). The Clerk of Court is directed to assign a district judge to this case.

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 days after being served with these findings and recommendations, either party may file written objections with the court. The document should be captioned “Objections to Magistrate

1 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections
2 within the specified time may waive the right to appeal the District Court's order.

3 DATED: April 2, 2010

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/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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