IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH LOPEZ,

Plaintiff, No. CIV S-09-1928 GEB GGH P

vs.

SUE HUBBARD, et al.,

Defendants. FINDINGS & RECOMMENDATIONS

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By order filed March 15, 2010, plaintiff was ordered to show cause, within fourteen days, why defendant Rapoza should not be dismissed from this action. The fourteen day period has now expired, and plaintiff has not shown cause or otherwise responded to the court's order.

IT IS HEREBY RECOMMENDED that defendant Rapoza 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)(l). Within fourteen 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

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

DATED: May 12, 2010

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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