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

CHRIS WAMALWA KIBUNGUCHY,

Plaintiff,

No. CIV S-09-2478 EFB P

vs.

SACRAMENTO COUNTY POLICE
DEPARTMENT, et al.,

Defendants.

ORDER AND
FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff, an inmate confined at Atascadero State Hospital, proceeds without counsel in an action brought under 42 U.S.C. § 1983. On December 14, 2010, the court dismissed plaintiff's complaint for failure to state a cognizable claim. The dismissal order explained the complaint's deficiencies, gave plaintiff 30 days to file an amended complaint correcting those deficiencies, and warned plaintiff that failure to file an amended complaint would result in a recommendation that this action be dismissed for failure to state a claim.

The 30-day period has expired and plaintiff has not filed an amended complaint or otherwise responded to the court's order.¹

¹ On December 15, 2010, plaintiff filed a letter with the court. The letter is wholly unresponsive to the December 14 order and appears would have been mailed before the court

1 Accordingly, it is hereby ORDERED that the Clerk randomly assign a United States
2 District Judge to this case.

3 Further, it is RECOMMENDED that this action be dismissed for failure to state a claim.
4 28 U.S.C. § 1915A; 28 U.S.C. § 1915(g).

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
10 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: January 31, 2011.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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25 _____
26 issued its order.