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

MALIK JONES,

Plaintiff,

No. 2:09-cv-3174 MCE CKD P

vs.

A. DAVID, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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By order filed March 12, 2013, plaintiff was directed to file an opposition to defendants' November 30, 2012 motion for summary judgment within thirty days. Plaintiff was advised that failure to file an opposition would be deemed as a statement of non-opposition and would result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b). (Dkt. No. 82.) The thirty-day period has now expired, and plaintiff has not filed an opposition.<sup>1</sup>

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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<sup>1</sup> Nothing in the district court's order of April 10, 2013 absolved plaintiff of the duty to respond to the motion for summary judgment as previously ordered.

