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

LEROY WALLACE, III,

Plaintiff,

No. CIV S-09-3204 FCD EFB P

vs.

FAIRFIELD POLICE DEPARTMENT;
OFFICER, CAJ #1302; DETECTIVE FOK;
OFFICER JIMENEZ,

Defendants.

FINDINGS AND RECOMMENDATIONS

Plaintiff is a country prisoner proceeding without counsel with a civil right action brought pursuant to 42 U.S.C. § 1983. On April 22, 2010, the court found that the complaint stated cognizable Fourth Amendment claims as to defendants Detective Fok and Jimenez, but failed to state a claim as to defendant Fairfield Police Department and Officer, CAJ #1302. The court gave plaintiff 30 days to submit materials for service of process on defendants Fok and Jimenez, or, alternatively, to file an amended complaint in an attempt to state claims against defendants Fairfield Police Department and Officer, CAJ #1302.

The times for acting have passed and plaintiff has not submitted the materials necessary to serve process on defendants Fok and Jimenez, nor has he filed an amended complaint or otherwise responded to the April 22, 2010 order.

1 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
2 prejudice. *See* Fed. R. Civ. P. 41(b).

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

10 DATED: July 14, 2010.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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