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

ROBERT J. BARDO,

Plaintiff,

No. CIV S-09-3479 FCD EFB P

vs.

M. MARTEL, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff is a prisoner without counsel suing for alleged civil rights violations. *See* 42 U.S.C. § 1983. By order filed September 3, 2010, the court found that plaintiff had stated sufficient charging allegations against defendants Lockhart, Butcher, and Ramos and informed plaintiff he could proceed against those defendants only or file an amended complaint that also states a claim against the other named defendants. The court also informed plaintiff that the court would consider his decision to proceed only as to defendants Lockhart, Butcher, and Ramos as consent to the dismissal of all claims against the remaining defendants. Plaintiff returned documents for service against defendants Lockhart, Butcher, and Ramos.

Accordingly, IT IS HEREBY RECOMMENDED that plaintiff’s claims against all remaining defendants – Green, Chamberlin, Knipp, Martel, Pimental, McCloughan, Machado, Long, Porter, Clendenin, Lackner, Garcia, Chambers, Kaplan, Vanni, Wilson, Phillips, Reyes,

1 Hutchins, Batchelor, Purviance, Luck, Islas, Dobler, Woolbright, Stewart, Thomas and Bueno –
2 be dismissed without prejudice.

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: October 20, 2010.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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