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

LEROY DEWITT HUNTER,

Plaintiff,

No. CIV S-09-3504 MCE DAD P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

By order filed June 29, 2010, plaintiff’s amended complaint was dismissed and thirty days leave to file a second amended complaint was granted. On August 24, 2010, plaintiff was granted a thirty day extension of time to file his second amended complaint. The thirty day period has now expired, and plaintiff has not filed his second amended complaint or otherwise responded to the court’s order.

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

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)(1). Within twenty-one 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

1 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
2 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
3 F.2d 1153 (9th Cir. 1991).

4 DATED: October 5, 2010.

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7 _____
8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

8 DAD:4
9 hun3504.fta

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