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

MARCUS A. POWELL,

Petitioner,

No. CIV S-10-0589 MCE GGH P

vs.

KELLY HARRINGTON, et al.,

Respondents.

FINDINGS & RECOMMENDATIONS

_____/

By order October 12, 2010, petitioner was ordered to show cause, within twenty-one days, why respondent's August 16, 2010, motion to dismiss should not be granted. The twenty-one day period has now expired, and petitioner has not shown cause or otherwise responded to the court's order.

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 fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections

1 shall be served and filed within fourteen days after service of the objections. The parties are
2 advised that failure to file objections within the specified time may waive the right to appeal the
3 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 DATED: November 23, 2010

5
6 /s/ Gregory G. Hollows
7 UNITED STATES MAGISTRATE JUDGE

7 GGH:035
8 powe0589.fsc

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