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

LEE EDWARD HARRIS,

Plaintiff,

No. CIV S-10-1031 JAM EFB P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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Plaintiff is a prisoner without counsel suing for alleged civil rights violations. *See* 42 U.S.C. § 1983. By order filed December 10, 2010, the court found that plaintiff had stated sufficient allegations to state a claim against defendant Sisson and informed plaintiff he could proceed against defendant Sisson only or file an amended complaint to attempt to state cognizable claims against other defendants. The court also informed plaintiff that the court would consider his decision to proceed only as to defendant Sisson as consent to the dismissal of plaintiff's defective claims against defendants Hull, Dillard, Turner, Cochoran, Felker, McDonald, Drieth, Grannis and Tinetti, without prejudice. On December 20, 2010, plaintiff returned documents for service against defendant Sisson.

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1           Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's claims against  
2 defendants Hull, Dillard, Turner, Cochoran, Felker, McDonald, Drieth, Grannis and Tinetti be  
3 dismissed without prejudice.

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

11 Dated: January 5, 2011.

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13 EDMUND F. BRENNAN  
14 UNITED STATES MAGISTRATE JUDGE  
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