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

HUNG DUONG NGUON,

Plaintiff,

No. CIV S-10-1104 KJM P

vs.

TIM V. VIRGA, et al.,

Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

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On August 30, 2010, plaintiff's motion for reconsideration was granted, this case was reopened and plaintiff was served with the court's June 14, 2010 Order granting plaintiff thirty days to file an amended complaint. The thirty day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court's order.

IT IS HEREBY ORDERED that the Clerk of Court assign a district judge to this case.

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

1 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
2 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
3 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
4 F.2d 1153 (9th Cir. 1991).

5 DATED: November 1, 2010.

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8 U.S. MAGISTRATE JUDGE

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