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

MICHAEL HUGHLEY,

Plaintiff,

No. CIV S-10-1373 GEB GGH P

vs.

JOHN W. HAVILAND, Warden, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

By order filed August 13, 2010, the court re-designated this action as one brought pursuant to 42 U.S.C. § 1983, and granted plaintiff twenty-eight days to file a fully completed in forma pauperis application and an amended complaint. The twenty-eight day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

For the reasons given in the August 13, 2010, order, IT IS HEREBY RECOMMENDED that this action be dismissed with prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b). The Clerk of Court is directed to assign a district judge to this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being served with these findings and recommendations, plaintiff may file

1 written objections with the court. The document should be captioned "Objections to Magistrate
2 Judge's Findings and Recommendations." Any response to the objections shall be filed and
3 served within fourteen days after service of the objections. Plaintiff is advised that failure to file
4 objections within the specified time may waive the right to appeal the District Court's order.

5 DATED: October 21, 2010

6
7 /s/ Gregory G. Hollows

8 GREGORY G. HOLLOWS
9 UNITED STATES MAGISTRATE JUDGE

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