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

MALIK JONES,

Plaintiff,

No. 2:10-cv-01381 JAM KJN P

vs.

C. PRATER, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /


By order filed June 1, 2012, the court dismissed plaintiff’s amended complaint and granted plaintiff leave to file a Second Amended Complaint within thirty days. (Dkt. No. 16.) Plaintiff was informed that “failure to file a second amended complaint in accordance with this order will result in a recommendation that this action be dismissed.” (Id. at 2.) The thirty-day period has now expired, and plaintiff has not filed a further 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 fourteen 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." Any response to the objections shall be filed and served
3 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 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: September 27, 2012

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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