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

10 JOSEPH S. DURAN III,

11 Plaintiff,

No. CIV S-10-1430 FCD GGH P

12 vs.

13 LESLIE M. CALDWELL,

14 Defendant.

FINDINGS & RECOMMENDATIONS

15 _____/
16 By order filed August 13, 2010, the court granted plaintiff twenty-eight days to
17 file an amended complaint. In the August 13th order, the court informed plaintiff of the
18 deficiencies in his complaint. The twenty-eight day period has now expired, and plaintiff has not
19 filed an amended complaint or otherwise responded to the court's order.

20 For the reasons given in the August 13, 2010, order, IT IS HEREBY
21 RECOMMENDED that this action be dismissed with prejudice. See Local Rule 110; Fed. R.
22 Civ. P. 41(b).

23 These findings and recommendations are submitted to the United States District
24 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
25 fourteen (14) days after being served with these findings and recommendations, plaintiff may file
26 written objections with the court. The document should be captioned "Objections to Magistrate

Judge's Findings and Recommendations." Any response to the objections shall be filed and served within fourteen days after service of the objections. Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order.

DATED: October 20, 2010

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

GGH:035
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