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

LONNIE WILLIAMS,

Plaintiff,

No. CIV S-10-1697 GGH P

vs.

CHIEF MEDICAL OFFICER BAL,

Defendant.

ORDER &  
FINDINGS AND RECOMMENDATIONS

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Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff states that on June 27, 2010, he did not receive medication for his gender dysphoria disorder and HIV. Plaintiff sent his complaint to the court two days later on June 29, 2010, and admits that he did not exhaust his administrative remedies. It is also unclear if plaintiff's medication is still being withheld or if it was just that one day.

On November 12, 2010, the court ordered plaintiff to show cause within 14 days why this case should not be dismissed for failure to exhaust administrative remedies. On December 1, 2010, the court granted plaintiff a 30 day extension to reply to the order to show cause. Rather than respond to the order to show cause, on December 16, 2010, plaintiff filed a motion to disqualify the undersigned and reconsider the order to show cause. The undersigned denied the motion and reminded plaintiff that he still must respond to the order to show cause.

1 Plaintiff has still not responded to the order to show cause but on January 6, 2011,  
2 filed another motion to disqualify the undersigned. That motion is denied as frivolous, and it is  
3 recommended that this case be dismissed without prejudice for failure to follow court orders and  
4 failing to exhaust administrative remedies.

5 In accordance with the above, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's motion (Doc. 15) is denied;
- 7 2. A district judge be assigned to this case.

8 IT IS HEREBY RECOMMENDED that this case be dismissed without prejudice  
9 for failing to follow court orders and failing to exhaust administrative remedies.

10 DATED: February 10, 2011

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWES  
UNITED STATES MAGISTRATE JUDGE

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