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

10 DANIEL P. BJORLIN,

11 Plaintiff,

No. CIV S-10-1825 WBS EFB P

12 vs.

13 M.D. McDONALD, et al.,

14 Defendants.

FINDINGS AND RECOMMENDATIONS

15 _____/
16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
17 U.S.C. § 1983. On December 10, 2010, the court dismissed plaintiff's original complaint with
18 leave to amend. The dismissal order explained the complaint's deficiencies, gave plaintiff 30
19 days to file an amended complaint correcting those deficiencies, and warned plaintiff that failure
20 to file an amended complaint would result in a recommendation that this action be dismissed.

21 The 30-day period has expired and plaintiff has not filed an amended complaint or
22 otherwise responded to the court's order.

23 Accordingly, it is hereby RECOMMENDED that this action be dismissed without
24 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

25 These findings and recommendations are submitted to the United States District Judge
26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

1 after being served with these findings and recommendations, any party may file written
2 objections with the court and serve a copy on all parties. Such a document should be captioned
3 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
4 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
5 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

6 Dated: January 28, 2010.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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