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

KENNETH A. SMITH,

Plaintiff,

No. CIV S-10-2506 KJM DAD PS

vs.

C.M.F. STATE PRISON, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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By order signed May 16, 2011, plaintiff's application to proceed in forma pauperis was denied without prejudice and plaintiff's pro se complaint was dismissed with leave to file an amended complaint that cured the defects noted in that order. Plaintiff was granted thirty days from the date of the order to file an amended complaint and was cautioned that failure to respond to the court's order in a timely manner may result in a recommendation that this action be dismissed. The thirty-day period has expired, and plaintiff has not responded to the court's order in any manner.

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 will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within

1 fourteen days after being served with these findings and recommendations, plaintiff may file  
2 written objections with the court. A document containing objections should be titled "Objections  
3 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file  
4 objections within the specified time may waive the right to appeal the District Court's order. See  
5 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: June 23, 2011.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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