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

KENNETH BLANTON,

Plaintiff,

No. 2:10-cv-2788 JFM (PC)

vs.

UNKNOWN,

Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____ /

By order filed December 3, 2010, plaintiff was granted thirty days in which to file a complaint and an application to proceed in forma pauperis. The thirty day period has now expired, and plaintiff has not filed a complaint or an in forma pauperis application or otherwise responded to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign this action to a United States District Judge; and

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: January 13, 2011.

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9 UNITED STATES MAGISTRATE JUDGE

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