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

JOSEPH SICKLER,

Plaintiff,

No. CIV S-11-0205 WBS EFB (TEMP) P

vs.

T. CURTIS, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. By order filed February 24, 2011, the court found that plaintiff had stated sufficient allegations against defendant Curtis and informed plaintiff he could proceed against defendant Curtis only or file an amended complaint to attempt to state cognizable claims against defendant Yusuf. The court also informed plaintiff that the court would consider his decision to proceed only as to defendant Curtis as consent to the dismissal of plaintiff's defective claims against defendant Yusuf, without prejudice. On March 9, 2011, plaintiff returned documents for service against defendant Curtis.

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1 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's claims against defendant
2 Yusuf be dismissed without prejudice.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations plaintiff may file written objections
6 with the court and serve a copy on all parties. Such a document should be captioned "Objections
7 to Magistrate Judge's Findings and Recommendations." Failure to file objections within the
8 specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158
9 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: April 12, 2011.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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