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

WILLIAM J. BRAINARD,

Plaintiff,

No. CIV S-11-0851 GEB DAD PS

vs.

CHRISTOPHER W. BOYD, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

By order filed July 21, 2011, plaintiff’s amended complaint was dismissed with leave to file a second amended complaint that cures the defects noted in that order. Plaintiff was granted thirty days from the date of the order to file a second 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 fourteen days after being served with these findings and recommendations, plaintiff may file

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

5 DATED: September 5, 2011.

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9 DALE A. DROZD
10 UNITED STATES MAGISTRATE JUDGE

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