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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD OLIVER HOOKER,
Plaintiff,
v.
T. KIMURA-YIP, et al.,
Defendants.

No. 2:11-cv-0899 LKK CKD P

FINDINGS AND RECOMMENDATIONS

By order filed December 5, 2013, the district court determined that plaintiff's first amended complaint failed to state a claim and dismissed the complaint, granting thirty days' leave to amend. (ECF No. 45.) On April 10, 2014, plaintiff was granted another thirty days' leave to file a second amended complaint. (ECF No. 47.) On May 20, 2014, the deadline was extended for an additional five days per plaintiff's request. (ECF No. 49.) Plaintiff has not timely filed an amended complaint.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed. 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 objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings

1 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
2 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
3 (9th Cir. 1991).

4 Dated: June 23, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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