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

ANDREW MADRID,

Plaintiff,

No. 2:11-cv-1607 WBS KJN P

vs.

TIM VIRGA,

Defendant.

FINDINGS & RECOMMENDATIONS

_____ /

By order filed July 27, 2011, plaintiff’s complaint was dismissed and thirty days leave to file an amended complaint was granted. On July 26, 2011, plaintiff filed a first amended complaint that was entered on the court’s docket on July 27, 2011. By order filed July 29, 2011, plaintiff’s amended complaint was also dismissed, and plaintiff was granted thirty days in which to file a second amended complaint. That thirty day period has now expired, and plaintiff has not filed a second amended complaint.¹

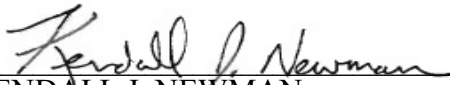
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¹ On August 3, 2011, plaintiff returned the “Notice of Amendment” form, along with a copy of the July 27, 2011 order. (Dkt. No. 21.) Plaintiff handwrote a few sentences expressing his dissatisfaction with this court’s order, unrelated to the substance of the order, but did not provide a proposed amended complaint or otherwise indicate he intended to pursue this action further. (Id.)

1 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
2 without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
5 days after being served with these findings and recommendations, plaintiff may file written
6 objections with the court. The document should be captioned "Objections to Magistrate Judge's
7 Findings and Recommendations." Any response to the objections shall be filed and served
8 within fourteen days after service of the objections. Plaintiff is advised that failure to file
9 objections within the specified time may waive the right to appeal the District Court's order.
10 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: September 9, 2011

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14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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