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

ANDRE LAVONT MCDANIEL,

Plaintiff,

No. 2:11-cv-3041 JAM KJN P

vs.

FAIRFIELD POLICE DEPARTMENT,
CVS PHARMACY,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/


By order filed December 2, 2011, plaintiff’s complaint was dismissed and plaintiff was provided the opportunity to elect, within thirty days leave, to file an amended complaint or to voluntarily dismiss this action. The thirty day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

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 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

1 Findings and Recommendations.” Any response to the objections shall be filed and served
2 within fourteen days after service of the objections. Plaintiff is advised that failure to file
3 objections within the specified time may waive the right to appeal the District Court’s order.
4 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: February 1, 2012

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7 
8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

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