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

JOSEPH MARTY,

Plaintiff,

No. CIV S-11-3046 GEB CKD PS

vs.

ESTATE OF JENNIFER-ANN: MARTY,
et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff is proceeding in this action pro se and in forma pauperis. This proceeding was referred to this court by Local Rule 302(c)(21).

By order filed November 21, 2011, plaintiff was ordered to show cause no later than December 2, 2011 why this action should not be dismissed for lack of subject matter jurisdiction. Although plaintiff returned that order to the court with some handwritten notations, plaintiff has failed to respond to the order to show cause. There being no evident basis for subject matter jurisdiction, the court will recommend that this action be dismissed.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for lack of subject matter jurisdiction.

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

1 fourteen days after being served with these findings and recommendations, plaintiff may file
2 written objections with the court. The document should be captioned "Objections to Magistrate
3 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections
4 within the specified time may waive the right to appeal the District Court's order. Martinez v.
5 Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 Dated: December 6, 2011

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8 _____
9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

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12 marty.nosmj