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

10 KENNETH SMITH,

11 Plaintiff,

No. CIV S-12-620 KJM CKD PS

12 vs.

13 SACRAMENTO MUNICIPAL COURT,

14 Defendant.

FINDINGS & RECOMMENDATIONS

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16 By order filed March 13, 2012, plaintiff's complaint was dismissed and thirty days  
17 leave to file an amended complaint was granted. The thirty day period has now expired, and  
18 plaintiff has not filed an amended complaint. Although plaintiff filed a document on April 4,  
19 2012, the document does not appear to be an amended complaint and does not set forth any basis  
20 for subject matter jurisdiction.

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

23 These findings and recommendations are submitted to the United States District  
24 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen  
25 days after being served with these findings and recommendations, plaintiff may file written  
26 objections with the court. The document should be captioned "Objections to Magistrate Judge's

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

Dated: April 24, 2012

  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

<sup>4</sup>  
smith-sacmuni.fta