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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GAVIN RUSSELL SWANSON,
Plaintiff,
v.
D. BODENHAMER, et al.,
Defendants.

No. 2:13-cv-1809 GEB AC P

FINDINGS & RECOMMENDATIONS


Plaintiff, a state prisoner proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983. By order filed on September 16, 2013, the complaint was dismissed with leave to amend within twenty-eight days. ECF No. 8. In the September 16th order, the court informed plaintiff of the deficiencies in his complaint. The twenty-eight 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 twenty-one 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 and Recommendations.” Plaintiff is advised that failure to file objections within the specified

1 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
2 (9th Cir. 1991).

3 DATED: November 25, 2013

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5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE
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