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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALTON L. SIMMONS,

Plaintiff,

v.

S. LINCOLN,

Defendant.

No. 2:14-cv-0759 KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

By order filed April 2, 2014, plaintiff’s complaint was dismissed and thirty days leave to file an amended complaint was granted. Thirty days from that date have now passed, and plaintiff has not filed an amended complaint, or otherwise responded to the court’s order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall assign a district judge to this action; and

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

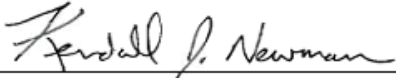
These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s 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: May 14, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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