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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BERLAN LYNELL DICEY,
Plaintiff,
v.
W. HANKS, et al.,
Defendants.

No. 2:14-cv-2018 JAM AC P

FINDINGS AND RECOMMENDATIONS

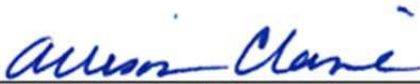
Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On August 17, 2015, defendants filed a motion for summary judgment. ECF No. 30. On September 24, 2015, plaintiff was ordered to file an opposition or a statement of non-opposition to the pending motion within twenty-one days. ECF No. 31. In the same order, plaintiff was informed that failure to file an opposition would result in a recommendation that this action be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Id. The twenty-one-day period has now expired, and plaintiff has not responded to the court’s order.

For the foregoing reasons, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 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

1 after being served with these findings and recommendations, any party may file written
2 objections with the court and serve a copy on all parties. Such a document should be captioned
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
4 objections shall be filed and served within fourteen days after service of the objections. The
5 parties are advised that failure to file objections within the specified time may waive the right to
6 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 DATED: October 29, 2015

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ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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