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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH ANTHONY DiBARTOLOMEO,
Plaintiff,
v.
LINDA JIMINEZ, et al.,
Defendants.

No. 2: 15-cv-2347 JAM KJN P

FINDINGS AND RECOMMENDATIONS

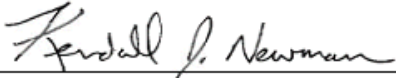
Plaintiff is a prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. The undersigned has separately issued an order screening plaintiff’s complaint. The undersigned found that plaintiff stated potentially colorable claims for relief against defendants Jiminez and Tatarion, and ordered service of these defendants. The undersigned found that plaintiff’s claims against defendant Himelblau were legally frivolous. For the reasons stated in that order, the undersigned herein recommends that defendant Himelblau be dismissed.

Accordingly, IT IS HEREBY RECOMMENDED that defendant Himelblau be dismissed.

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 and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that

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

3 Dated: December 28, 2015

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6 KENDALL J. NEWMAN
7 UNITED STATES MAGISTRATE JUDGE

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