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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENICIO VELASQUEZ,  
Plaintiff,  
v.  
J. ROBUSTELLI,  
Defendant.

No. 2:16-cv-1131 JAM CKD 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 March 23, 2017, defendant filed a motion to dismiss. On September 1, 2017, plaintiff was ordered to file an opposition or a statement of non-opposition by October 11, 2017. In the same order, plaintiff was informed that failure to file an opposition would result in a recommendation that this action be dismissed. Plaintiff has not filed an opposition.

For the foregoing reasons, IT IS HEREBY RECOMMENDED that this action be dismissed 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 after being served with these findings and recommendations, any party 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.” Any response to the

1 objections shall be filed and served within fourteen days after service of the objections. The  
2 parties are advised that failure to file objections within the specified time may waive the right to  
3 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 Dated: October 24, 2017



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6 CAROLYN K. DELANEY  
7 UNITED STATES MAGISTRATE JUDGE

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