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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   SANTOS VALENZUELA,   No. 2:16-cv-1814 CKD P

12   Plaintiff,

13   v.   ORDER AND

14   CALIFORNIA STATE PRISON   FINDINGS AND RECOMMENDATIONS
     SACRAMENTO, et al.,
15
                Defendants.
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18   Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42

19   U.S.C. § 1983. On December 22, 2017 defendant Bodenhamer filed a motion for summary

20   judgment. On January 24, 2018, plaintiff was ordered to file an opposition or a statement of non-

21   opposition to the pending motion within thirty days. In the same order, plaintiff was informed

22   that failure to file an opposition would result in a recommendation that this action be dismissed

23   pursuant to Fed. R. Civ. P. 41(b). The thirty day period has now expired, and plaintiff has not

24   responded to the court's order.

25   Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district

26   court judge to this case; and

27   IT IS HEREBY RECOMMENDED that this action be dismissed pursuant to Federal Rule

28   of Civil Procedure 41(b).

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1   These findings and recommendations are submitted to the United States District Judge

2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days

3 after being served with these findings and recommendations, any party may file written

4 objections with the court and serve a copy on all parties. Such a document should be captioned

5 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the

6 objections shall be filed and served within fourteen days after service of the objections. The

7 parties are advised that failure to file objections within the specified time may waive the right to

8 appeal the District Court's order. <u>Martinez v. Ylst</u>, 951 F.2d 1153 (9th Cir. 1991).

9 Dated: March 6, 2018

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     CAROLYN K. DELANEY
11 UNITED STATES MAGISTRATE JUDGE

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