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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID WESLEY BIRRELL, et al.,

 Plaintiffs,

 v.

ROBERT W. FOX,

 Defendant.

No. 2:16-cv-1818 KJM CKD P

FINDINGS AND RECOMMENDATIONS

On August 4, 2022, the court ordered that plaintiff David Wesley Birrell file a response to the court’s June 29, 2022 order by September 2, 2022. Plaintiff Birrell was warned that failure to do so would result in a recommendation that plaintiff Birrell be dismissed. Plaintiff Birrell has not complied with the court’s August 4, 2022 order.

Accordingly, IT IS HEREBY RECOMMENDED that plaintiff Birrell be dismissed. 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 Birrell may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff Birrell is advised that failure to file objections

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

3 Dated: September 14, 2022



4 CAROLYN K. DELANEY
5 UNITED STATES MAGISTRATE JUDGE

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