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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH WAYNE MILLS,
Plaintiff,
v.
CALIFORNIA MEDICAL FACILITY,
Defendants.

No. 2: 16-cv-2766 JAM KJN P

FINDINGS & RECOMMENDATIONS

On November 22, 2016, plaintiff filed a habeas corpus petition. (ECF No. 1.) On December 23, 2016, the undersigned issued an order construing this action as a civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 11.) Plaintiff was directed to file a civil rights complaint within thirty days. (Id.) Thirty days passed and plaintiff did not file a civil rights complaint or otherwise respond to the December 23, 2016 order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. 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 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: February 10, 2017

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5 _____
6 KENDALL J. NEWMAN
7 UNITED STATES MAGISTRATE JUDGE

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