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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	TOM M. FRANKS,	No. 2:17-cv-01056-KJM-CKD
12	Plaintiff,	
13	V.	FINDINGS AND RECOMMENDATIONS
14	J. CLARK KELSO, et al.,	
15	Defendants.	
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17	Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42	
18	U.S.C. § 1983. On June 9, 2022 defendant Giddings filed a motion for summary judgment. ECF	
19	No. 106. On August 17, 2022 plaintiff was ordered to file an opposition or a statement of non-	
20	opposition to the pending motion within thirty days. ECF No. 110. In the same order, plaintiff	
21	was informed that failure to file an opposition would result in a recommendation that this action	
22	be dismissed pursuant to Fed. R. Civ. P. 41(b). The thirty day period has now expired, and	
23	plaintiff has not responded to the court's order.	
24	For the foregoing reasons, IT IS HEREBY RECOMMENDED that this action be	
25	dismissed pursuant to Federal Rule of Civil Procedure 41(b).	
26	These findings and recommendations are submitted to the United States District Judge	
27	assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days	
28	after being served with these findings and recommendations, any party may file written	
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1	objections with the court and serve a copy on all parties. Such a document should be captioned
2	"Objections to Magistrate Judge's Findings and Recommendations." Any response to the
3	objections shall be filed and served within fourteen days after service of the objections. The
4	parties are advised that failure to file objections within the specified time may waive the right to
5	appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).
6	Dated: October 24, 2022 Canthe II Delan
7	CAROLYN K. DELANEY
8	UNITED STATES MAGISTRATE JUDGE
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