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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EUTIMIO LOPEZ,  
Plaintiff,  
v.  
CALIFORNIA HOSPITAL CARE  
FACILITY,  
Defendant.

No. 2:17-cv-1533 KJN P

ORDER AND FINDINGS &  
RECOMMENDATIONS

By order filed October 12, 2017, plaintiff’s amended complaint was dismissed and thirty days leave to file a second amended complaint was granted. Thirty days from that date have now passed, and plaintiff has not filed a second amended complaint, or otherwise responded to the court’s order.

In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

IT IS 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

1 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.” Plaintiff is advised that  
3 failure to file objections within the specified time may waive the right to appeal the District  
4 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: November 21, 2017

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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