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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK M. KIRBY,
Plaintiff,
v.
FRANKLIN,
Defendant.

No. 2:17-cv-2112 CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

On November 8, 2017, plaintiff’s complaint was dismissed with leave to amend. The time allotted to plaintiff to file an amended complaint has expired and plaintiff has not filed an amended complaint.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case; and

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. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified

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

3 Dated: January 19, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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