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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARMANDO HERRERA,
Plaintiff,
v.
DIAZ,
Defendant.

No. 2:17-cv-2123 KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

By order filed November 7, 2017, plaintiff was ordered to show cause, within thirty days, why this action should not be dismissed without prejudice. The thirty day period has now expired, and plaintiff has not shown cause or otherwise responded to the court’s order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district 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: December 20, 2017

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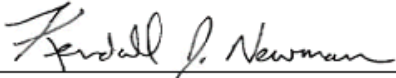
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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE