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| 8 | UNITED STATES DISTRICT COURT | |
| 9 | FOR THE EASTERN DISTRICT OF CALIFORNIA | |
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| 11 | DANIEL RAY LLOYD, | No. 2:18-cv-1867-MCE-EFB P |
| 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 and in forma pauperis in an action brought | |
| 18 | under 42 U.S.C. § 1983. By order filed February 14, 2019, the court found that service of the | |
| 19 | complaint is appropriate for defendants Abdur-Rahman and Miranda. ECF No. 10. The court | |
| 20 | informed plaintiff he could proceed against defendants Abdur-Rahman and Miranda or file an | |
| 21 | amended complaint within 30 days that also states a claim against defendants Kelso, Spearman, | |
| 22 | and Murray. Id. The time for amending has passed and plaintiff has elected to proceed only with | |
| 23 | the claim against defendants Abdur-Rahman and Miranda. See ECF No. 14. | |
| 24 | Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's claims against | |
| 25 | defendants Kelso, Spearman, and Murray be dismissed without prejudice. | |
| 26 | These findings and recommendations are submitted to the United States District Judge | |
| 27 | assigned to the case, pursuant to the provision | s of 28 U.S.C. § 636(b)(l). Within fourteen days |
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| 1 | after being served with these findings and recommendations, any party may file written |
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| 2 | objections with the court and serve a copy on all parties. Such a document should be captioned |
| 3 | "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections |
| 4 | within the specified time may waive the right to appeal the District Court's order. Turner v. |
| 5 | Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). |
| 6 | Dated: March 28, 2019. |
| 7 | Elmind Fibierman |
| 8 | EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE |
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