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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DESTINY SHIPLEY,
Plaintiff,
v.
WHITNEY KULP, et al.,
Defendants,

No. 2:20-cv-2262 TLN DB PS

FINDINGS AND RECOMMENDATIONS

Plaintiff Destiney Shipley is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). By order signed June 15, 2021, plaintiff’s amended complaint was dismissed, and plaintiff was granted leave to file a third amended complaint that cured the defects noted in that order. (ECF No. 50.) Plaintiff was granted twenty-eight days from the date of that order to file the third amended complaint and was specifically cautioned that the failure to respond to the court’s order in a timely manner might result in a recommendation that this action be dismissed. (*Id.* at 12.) The twenty-eight-day period has expired, and plaintiff has not responded to the court’s order in any manner.

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1 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
2 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after
5 being served with these findings and recommendations, any party may file written objections with
6 the court and serve a copy on all parties. Such a document should be captioned “Objections to
7 Magistrate Judge’s Findings and Recommendations.” Any reply to the objections shall be served
8 and filed within fourteen days after service of the objections. The parties are advised that failure
9 to file objections within the specified time may waive the right to appeal the District Court’s
10 order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 Dated: October 15, 2021

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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE
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