

1 unwilling to cure the defects in the complaint.

2 Accordingly, it is ORDERED that the Clerk of Court randomly assign a district judge to
3 this action.

4 Further, it is RECOMMENDED that this action be DISMISSED without prejudice for the
5 reasons stated in the October 30, 2023 screening order, and that plaintiff's pending motion (ECF
6 No. 10, requesting subpoenas) be denied as moot.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
9 after being served with these findings and recommendations, any party may file written
10 objections with the court and serve a copy on all parties. Such a document should be captioned
11 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
12 objections shall be served and filed within fourteen days after service of the objections. The
13 parties are advised that failure to file objections within the specified time may waive the right to
14 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
15 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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17 Dated: February 5, 2024


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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party is fully effective.