

E-Filed 7/15/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

GARY W. HAYNIE,

Plaintiff,

v.

RONALD M. WHYTE, U.S. DISTRICT JUDGE,

Defendant.

Case Number C 10-2621 JF (PVT)

ORDER¹ ADOPTING REPORT AND
RECOMMENDATION TO DISMISS
WITH LEAVE TO AMEND

[RE: Doc. Nos. 2, 5]

On June 15, 2010, Plaintiff, proceeding *pro se*, filed a complaint and an application to proceed *in forma pauperis*. On June 24, 2010, Magistrate Judge Patricia V. Trumbull filed a Report and Recommendation, which concluded that Plaintiff's complaint should be dismissed with leave to amend. Plaintiff has not filed any objections to Judge Trumbull's Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72(b), and Civil Local Rule 72-3, this Court concurs with and adopts in its entirety Judge Trumbull's Report and Recommendation. Accordingly, the complaint will be dismissed with leave to amend. Any amended pleading must be filed within thirty (30) days.

IT IS SO ORDERED.

DATED: 7/15/2010



JEFFREY FOGEL
United States District Judge

¹ This disposition is not designated for publication and may not be cited.

1 Copies of Order served on:

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