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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALTON E. DEAN,

Plaintiff,

No. 2:09-cv-1339 MCE KJN P

vs.

CAVAGNARO, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/


Plaintiff, a state prisoner proceeding without counsel, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. By order filed September 27, 2010, plaintiff was granted twenty-eight days in which to pay the \$350.00 filing fee and warned that failure to pay the filing fee in full would result in a recommendation that this action be dismissed. Twenty-eight days have now passed, and plaintiff has failed to pay the filing fee or otherwise respond to the court's order. Accordingly, this action should be dismissed.

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, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
3 objections shall be filed and served within fourteen days after service of the objections. The
4 parties are advised that failure to file objections within the specified time may waive the right to
5 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: October 27, 2010

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10 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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