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

JIMMIE STEPHEN,

Plaintiff,

No. CIV S-09-1516 MCE KJM P

vs.

DR. F. ZHANG, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_/

By an order filed September 21, 2009, plaintiff’s motion to proceed in forma pauperis was denied and plaintiff was ordered to pay the appropriate filing fees within thirty days. He was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has now expired, and plaintiff has not paid the appropriate filing fee. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

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 twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court. . Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections

1 within the specified time may waive the right to appeal the District Court's order. Martinez v.  
2 Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: January 22, 2010.

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5 U.S. MAGISTRATE JUDGE

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