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

MARVIN HARRIS,

Plaintiff,

No. CIV S-09-1818 DAD P

vs.

G. BROOKS, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /

By an order filed June 23, 2010, plaintiff's in forma pauperis application was denied pursuant to 28 U.S.C. § 1915(g) and plaintiff was ordered to pay the filing fee for this action within twenty-one days. Plaintiff was also cautioned that failure to do so would result in a recommendation that this action be dismissed. The twenty-one day period has now expired and plaintiff has not paid the filing fee.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign this action to a District Judge.

Also, 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-

1 one days after being served with these findings and recommendations, plaintiff may file written  
2 objections with the court. Such a document should be captioned "Objections to Magistrate  
3 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections  
4 within the specified time may waive the right to appeal the District Court's order. Martinez v.  
5 Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: July 26, 2010.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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