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

ANDRE SMITH, SR.,

Plaintiff,

CIV S-10-624 FCD KJM PS

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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By order filed April 2, 2010, this court directed plaintiff within twenty-one days to file a completed application to proceed in forma pauperis or pay the filing fee.<sup>1</sup> Plaintiff has failed to comply with the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110.

These findings and recommendations will be 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, plaintiff may file

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<sup>1</sup> Although it appears from the file that plaintiff's copy of the order was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(d), service of documents at the record address of the party is fully effective.

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

5 DATED: May 6, 2010.

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U.S. MAGISTRATE JUDGE

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