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

ESTHER COHN,

Plaintiff,

No. 2:10-cv-00865 MCE KJN PS

v.

FINDINGS AND RECOMMENDATIONS

BANK OF AMERICA,

Defendant.

_____ /

Plaintiff, who is proceeding without counsel and has not paid the fee ordinarily required to file an action in this court, previously filed an incomplete application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). (See Dkt. No. 2). Because the incomplete application prevented the court from properly evaluating whether plaintiff should be granted leave to proceed in forma pauperis, the undersigned granted plaintiff twenty-one days within which to either: (1) file a completed application to proceed in forma pauperis, or (2) file the appropriate initial filing fee of \$350.00. (Order, Dkt. No. 3, May 10, 2010.) Plaintiff did not submit a completed application or the appropriate initial filing fee.


Accordingly, IT IS HEREBY RECOMMENDED that:

1. Plaintiff’s application to proceed in forma pauperis be denied; and
2. Plaintiff be provided twenty-one days within which to pay the initial filing

1 fee of \$350.00. Failure to timely pay the filing fee will result in a recommendation that this
2 matter be dismissed.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
5 days after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Id.; see also Local Rule 304(b). Such a
7 document should be captioned “Objections to Magistrate Judge’s Findings and
8 Recommendations.” Failure to file objections within the specified time may waive the right to
9 appeal the District Court’s order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez
10 v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

11 DATED: June 14, 2010

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15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE
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