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

MIKA ALFARO,

Plaintiff,

No. CIV S-10-0892 JAM EFB PS

vs.

MARK SCOTT,

Defendant.

FINDINGS AND RECOMMENDATIONS

On April 14, 2010, plaintiff, proceeding in pro se, requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. The matter was referred to the undersigned by Local Rule 302(c)(21), pursuant to 28 U.S.C. § 636(b)(1).

On May 17, 2010, the undersigned issued findings and recommendations herein, finding that plaintiff had failed to demonstrate that she has insufficient assets to pay the filing fee and costs and provide the necessities of life for herself and her two dependents, and therefore recommending that plaintiff's application to proceed *in forma pauperis* be denied and that plaintiff be given thirty days in which to pay the filing fee of \$350.00. Dckt. No. 4.

On August 18, 2010, the findings and recommendations were adopted by the district judge; plaintiff's application to proceed *in forma pauperis* was denied; and plaintiff was given thirty days in which to pay the filing fee of \$350.00. Dckt. No. 5. The August 18 order further

1 stated that “[f]ailure to pay the filing fee will result in a recommendation of dismissal by the
2 magistrate judge.”

3 Although the deadline has passed, the court docket reflects that plaintiff has not paid the
4 filing fee as ordered. Therefore, the undersigned will recommend that this action be dismissed
5 for failure to prosecute. *See* Fed. R. Civ. P. 41(b); L.R. 110.

6 Accordingly, IT IS HEREBY RECOMMENDED that:

7 1. This action be dismissed pursuant to Federal Rule of Civil Procedure 41(b), based on
8 plaintiff’s failure to prosecute the action; and

9 2. The Clerk of Court be directed to close this case.

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

17 DATED: October 1, 2010.

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19 EDMUND F. BRENNAN
20 UNITED STATES MAGISTRATE JUDGE
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