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

HUNG DUONG NGUON,

Plaintiff,

No. CIV S-10-1058 DAD P

vs.

T. VIRGA,

Defendant.

FINDINGS AND RECOMMENDATIONS

_____/

By order filed June 28, 2010, plaintiff was ordered to file a properly completed in forma pauperis application within thirty days and cautioned that his failure to do so would result in a recommendation that this action be dismissed without prejudice. The thirty day period has now expired, and plaintiff has failed to file a properly completed in forma pauperis application or otherwise respond to the court’s June 28, 2010 order.

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

Also, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ. P. 41.

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 and serve a copy on all parties. Such a document should be captioned
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
4 failure to file objections within the specified time may waive the right to appeal the District
5 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: August 9, 2010.

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9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

11 DAD:sj
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