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

FRANK J. WILLIAMS,

Petitioner,

No. 2:10-cv-2904 KJN P

vs.

STATE OF CALIFORNIA,

Respondent.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____ /

By an order filed November 4, 2010, petitioner was ordered to file either an application to proceed in forma pauperis or pay the appropriate filing fee within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has now expired, and petitioner has not responded to the court's order and has not filed an application to proceed in forma pauperis or paid the filing fee.


In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a district judge to this case; and

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 fourteen

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

6 DATED: December 8, 2010

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10 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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