IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BRADY ARMSTRONG,

Plaintiff, No. 2: 11-cv-0965 GEB KJN P

vs.

SILVIA GARCIA, et al.,

Defendants. FINDINGS AND RECOMMENDATIONS

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By an order filed April 21, 2011, plaintiff was ordered to file an in forma pauperis affidavit or pay the appropriate filing fee within thirty days, and plaintiff 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 plaintiff has not responded to the court's order and has not filed an in forma pauperis affidavit or paid the appropriate filing fee. Accordingly, 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)(l). Within twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the

specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: June 1, 2011

KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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