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

JAY SELLERS,

Plaintiff,

vs.

CIV S-11-1663 LKK CKD PS

CITY OF DAVIS, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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By order filed July 15, 2011, this court directed plaintiff to submit within twenty one days either a completed application and affidavit in support of a request to proceed in forma pauperis on the form provided by the Clerk of Court, or the appropriate filing fee. That time period has now passed, and plaintiff has not filed a completed application or the filing fee.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations will be 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 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

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

3 Dated: August 17, 2011

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5 CAROLYN K. DELANEY  
6 UNITED STATES MAGISTRATE JUDGE

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8 <sup>4</sup>  
9 sellers.ftc

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