IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER PRESTFIELD,

        Plaintiff,   No. CIV S-11-1774 GGH P

      vs.

M. SANCHEZ, et al.   ORDER and

        Defendants.   FINDINGS AND RECOMMENDATIONS

_____/

        By an order filed July 14, 2011, plaintiff was ordered to file an in forma pauperis affidavit and certified copy of his prison trust account statement within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. On August 23, 2011, this court granted in part plaintiff's motion for an extension of time to comply with the July 14, 2011 order, bringing his new deadline to October 19, 2011. The extended deadline has now expired, and plaintiff has not responded to the court's order. Plaintiff has not filed an in forma pauperis affidavit and a certified copy of his prison trust account statement, or paid the appropriate filing fee.

        Good cause appearing, IT IS HEREBY ORDERED that a district judge be assigned to this case; and

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1   IT IS HEREBY RECOMMENDED that this action be dismissed without

2   prejudice.

3   These findings and recommendations are submitted to the United States District

4   Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen

5   days after being served with these findings and recommendations, any party may file written

6   objections with the court and serve a copy on all parties. Such a document should be captioned

7   "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections

8   shall be served and filed within fourteen days after service of the objections. The parties are

9   advised that failure to file objections within the specified time may waive the right to appeal the

10   District Court's order. <u>Martinez v. Ylst</u>, 951 F.2d 1153 (9th Cir. 1991).

11   DATED: November 17, 2011

12   /s/ Gregory G. Hollows
                                         UNITED STATES MAGISTRATE JUDGE
13   GGH:rb
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