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

JAMES N. OWENS,

Plaintiff,

No. 2:12-cv-2380 KJM CKD PS

v.

M. HOLLITZ,

Defendant.

FINDINGS AND RECOMMENDATIONS

_____ /

By order dated September 25, 2012, plaintiff was directed to file a completed in forma pauperis affidavit or pay the appropriate filing fees within 21 days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. Dkt. 3. The twenty-one day period has now expired, and plaintiff has not filed an in forma pauperis affidavit, paid the appropriate filing fee or otherwise responded to the court's order.

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)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned

1 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
2 shall be served and filed within seven days after service of the objections. The parties are
3 advised that failure to file objections within the specified time may waive the right to appeal the
4 District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: November 14, 2012

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8 CAROLYN K. DELANEY
9 UNITED STATES MAGISTRATE JUDGE
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