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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOLENE SMITH,
Plaintiff,
v.
KELLEY BENTLEY,
Defendant.

No. 2:15-cv-2334 MCE CKD PS

FINDINGS AND RECOMMENDATIONS

By order filed December 4, 2015, plaintiffs were granted fourteen days in which to submit the appropriate fees to the Clerk of Court. Plaintiffs were cautioned that failure to pay the filing and general administrative fees in the amount of \$400 would result in a recommendation that the action be dismissed. Plaintiffs have not paid the requisite fees and have not otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that:

1. Plaintiffs' motion to proceed in forma pauperis (ECF No. 5) be denied; and
2. This action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
3 within the specified time may waive the right to appeal the District Court’s order. Martinez v.
4 Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: January 6, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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