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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMY GETTINGS,
Plaintiff,
v.
CHRIS LINK, et al.,
Defendants.

No. 2:15-cv-2688 MCE CKD PS

FINDINGS AND RECOMMENDATIONS

By order filed January 6, 2016, plaintiff was granted twenty-eight days in which to submit the appropriate fees to the Clerk of Court. Plaintiff was 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. Plaintiff has submitted another application to proceed in forma pauperis indicating that he has incurred medical expenses but does not indicate whether these expenses recur on a monthly basis. Whether or not these medical expenses are incurred monthly, however, in light of plaintiff's monthly income and his low cost of living where he resides in the Phillippines, plaintiff has made an inadequate showing of indigency. Plaintiff has not paid the requisite fees and has not otherwise responded to the court's order.

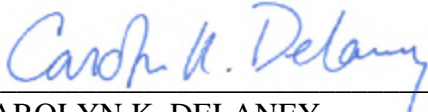
Accordingly, IT IS HEREBY RECOMMENDED that:

1. Plaintiff's motions to proceed in forma pauperis (ECF Nos. 2, 5) be denied; and
2. This action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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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 “Objections to Magistrate Judge’s Findings and Recommendations.” 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: February 9, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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