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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTHONY B. TILLMAN,

CASE NO. 1:11-cv-00138-LJO-SMS PC

Plaintiff,

FINDINGS AND RECOMMENDATIONS
RECOMMENDING THIS ACTION BE
DISMISSED, WITHOUT PREJUDICE, FOR
FAILURE COMPLY WITH A COURT ORDER

v.

BOARD OF PRISON TERMS,

OBJECTIONS DUE WITHIN THIRTY-DAYS

Defendant.

_____ /

Plaintiff Anthony B. Tillman (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. A complaint and application to proceed in forma pauperis were filed on January 26, 2011, however the documents were not signed. Fed. R. Civ. P. 11(a). On order was issued on January 28, 2011, directing Plaintiff to file a signed complaint and application to proceed in forma pauperis within twenty one days. Plaintiff was warned that if he failed to file a complaint in compliance with the order, this action would be dismissed for failure to comply. On February 7, 2011, Plaintiff filed a motion to proceed in forma pauperis and a motion for appointment of counsel. However, more than twenty one days have passed and Plaintiff has not filed a signed complaint. As a result, there is no pleading on file which sets forth any claims upon which relief may be granted.

Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), it is HEREBY RECOMMENDED that this action BE DISMISSED, without prejudice, based on Plaintiff’s failure to comply with the order of the Court.

These findings and recommendations will be submitted to the United States District Judge

1 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within thirty (30)
2 days after being served with these findings and recommendations, Plaintiff may file written
3 objections with the Court. The document should be captioned "Objections to Magistrate Judge's
4 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
5 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d
6 1153 (9th Cir. 1991).

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8 IT IS SO ORDERED.

9 **Dated:** April 6, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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