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

TRACY DAWN RICHARDS,

Petitioner,

No. CIV S-07-1527 MCE KJM P

vs.

TINA HORNBEAK, Warden,

Respondent.

FINDINGS & RECOMMENDATIONS

Some time ago petitioner was ordered to file a new application to proceed in forma pauperis and was cautioned that failure to do so would result in a recommendation that this action be dismissed. Petitioner has not responded to the court’s order. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See 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 twenty days after being served with these findings and recommendations, petitioner may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Petitioner is advised that failure to file objections within the

1 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
2 F.2d 1153 (9th Cir. 1991).

3 DATED: April 17, 2009.

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6 U.S. MAGISTRATE JUDGE

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