

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ALFREDO J. MONTEON,

11 Petitioner,

No. CIV S-07-2725 FCD DAD P

12 vs.

13 DIRECTOR OF CORRECTIONS,  
14 et al.,

15 Respondents. /

FINDINGS & RECOMMENDATIONS

16 By an order filed December 26, 2007, petitioner was ordered to file an in forma  
17 pauperis affidavit or to pay the appropriate filing fee, within thirty days, or his application would  
18 be dismissed. The thirty day period has now expired, and petitioner has not responded to the  
19 court's order, has not filed an in forma pauperis affidavit, and has not paid the appropriate filing  
20 fee. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without  
21 prejudice.

22 These findings and recommendations are submitted to the United States District  
23 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty  
24 days after being served with these findings and recommendations, petitioner may file written  
25 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
26 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: February 8, 2008.

4  
5   
6 

---

DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

7 DAD:lg  
8 mont2725.fifp.fta  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26