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

EDGAR LEE WARREN,

Plaintiff,

No. 2:08-cv-1680 MCE JFM (PC)

vs.

BUTTE COUNTY JAIL, et al.

Defendants.

FINDINGS AND RECOMMENDATIONS

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By an order filed December 16, 2008, plaintiff was ordered to file a completed in forma pauperis affidavit within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. That order was returned as undeliverable, but was re-served on plaintiff on December 31, 2008. Thirty days from that date have now expired, and plaintiff has not responded to the court’s order and has not filed a completed in forma pauperis affidavit or otherwise responded to the court’s order. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

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, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s

1 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the  
2 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951  
3 F.2d 1153 (9th Cir. 1991).

4 DATED: February 5, 2009.

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7 UNITED STATES MAGISTRATE JUDGE

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