

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

RODERICK TIMMONS,

Plaintiff,

No. CIV S-08-2404 LKK DAD P

VS.

M. SLADE, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

By an order filed December 1, 2008, plaintiff was ordered to file, within thirty

days, a properly completed in forma pauperis affidavit that includes a certified copy of plaintiff's prison trust account statement for the six-month period immediately preceding the filing of the complaint in this action and a prison official's certification. Plaintiff was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has now expired, and plaintiff has not responded to the court's order and has not filed a properly completed in forma pauperis affidavit that includes a certified copy of plaintiff's prison trust account statement for the six-month period immediately preceding the filing of the complaint in this action and a prison official's certification. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

11111

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. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that 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: January 20, 2009.

Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:lg
timm2404.fifp