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

10 RODERICK TIMMONS,

11 Plaintiff,

No. CIV S-08-2404 LKK DAD P

12 vs.

13 M. SLADE, et al.,

14 Defendants.

FINDINGS AND RECOMMENDATIONS

15 _____/
16 By an order filed December 1, 2008, plaintiff was ordered to file, within thirty
17 days, a properly completed in forma pauperis affidavit that includes a certified copy of plaintiff's
18 prison trust account statement for the six-month period immediately preceding the filing of the
19 complaint in this action and a prison official's certification. Plaintiff was cautioned that failure
20 to do so would result in a recommendation that this action be dismissed. The thirty day period
21 has now expired, and plaintiff has not responded to the court's order and has not filed a properly
22 completed in forma pauperis affidavit that includes a certified copy of plaintiff's prison trust
23 account statement for the six-month period immediately preceding the filing of the complaint in
24 this action and a prison official's certification. Accordingly, IT IS HEREBY RECOMMENDED
25 that this action be dismissed without prejudice.

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

8 DATED: January 20, 2009.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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