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

DANNY JAMES COHEA,

Plaintiff,

No. CIV S-09-0998 JAM JFM (TEMP) P

vs.

S. ADCOCK, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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On January 21, 2011, plaintiff was ordered to pay the filing fee for this action. On January 27, 2011, plaintiff filed a document in which he indicates that he will not be paying the filing fee. Plaintiff was warned that failure to pay the filing fee will result in dismissal under Federal Rule of Civil Procedure 41(b). In light of the foregoing, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure.

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-one 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 Findings and Recommendations.” Plaintiff 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: January 31, 2011.

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6 UNITED STATES MAGISTRATE JUDGE

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