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

MARVIN GLEN HOLLIS,

Plaintiff,

No. CIV S-09-1065 KJM KJN (TEMP) P

vs.

J. MCGUIRE, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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On February 18, 2011, plaintiff was ordered to pay the filing fee for this action. Plaintiff was warned that failure to pay the filing fee would result in dismissal under Federal Rule of Civil Procedure 41(b). The deadline for submitting the filing fee has passed and plaintiff has not submitted the filing fee.

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 fourteen 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: April 21, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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