IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ERNEST MILLER,

Plaintiff, No. 2:09-cv-1256 FCD KJN P

vs.

GRANNIS, et al.,

Defendants. FINDINGS & RECOMMENDATIONS

_____/

On April 28, 2010, the Honorable Frank C. Damrell denied plaintiff's application to proceed in forma pauperis and ordered plaintiff to pay the $350 filing fee within twenty-one days. Twenty-one days passed and plaintiff did not pay the filing fee or otherwise respond to the April 28, 2010 order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed. See Local Rule 110; Fed. R. Civ. P. 41(b).

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)(l). 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

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specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: June 1, 2010

KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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