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

RUSSELL BERNARDINI,

Plaintiff,

No. CIV S-09-2206 MCE EFB P

vs.

COOK, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /
On October 26, 2009 the court ordered plaintiff to file an in forma pauperis affidavit or pay the appropriate filing fee within 15 days and warned him that failure to do so would result in a recommendation that this action be dismissed.


The 15-day period has expired and plaintiff has not filed an in forma pauperis affidavit or paid the appropriate filing fee or otherwise responded to that order.

Accordingly, it is RECOMMENDED that this action be dismissed without prejudice.

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, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections

1 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
2 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

3 Dated: February 4, 2010.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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