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

10 EDWARD THOMAS,

11 Plaintiff,

No. 2:09-cv-2486 GEB CKD P

12 vs.

13 THOMAS FELKER, et al.,

14 Defendants.

FINDINGS AND RECOMMENDATIONS

15 _____/
16 By order filed September 17, 2012, plaintiff, a Three Strikes Litigant, was ordered
17 to show cause within fourteen days why this action should not be dismissed for failure to pay the
18 filing fee. (Dkt. No. 68.) Plaintiff responded to the order but failed to show good cause in light
19 of his Three Strikes status, nor has he paid the filing fee. (Dkt. Nos. 69, 70.)

20 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
21 without prejudice. See 28 U.S.C. § 1915(g); Local Rule 110; Fed. R. Civ. P. 41(b).

22 These findings and recommendations are submitted to the United States District
23 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
24 days after being served with these findings and recommendations, plaintiff may file written
25 objections with the court. The document should be captioned "Objections to Magistrate Judge's
26 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: October 12, 2012

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5 CAROLYN K. DELANEY
6 UNITED STATES MAGISTRATE JUDGE
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