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

DOUGLAS ANDERSEN,

Petitioner,

No. CIV S-09-2626 MCE DAD P

vs.

STATE OF CALIFORNIA,

Respondent.

FINDINGS AND RECOMMENDATIONS

_____ /

By order filed November 2, 2009, petitioner was directed to file an affidavit in support of his request to proceed in forma pauperis or pay the appropriate filing fee within thirty days. In addition, petitioner was ordered to file an amended petition that complies with the requirements of the Federal Rules of Civil Procedure within thirty days. The thirty day period has now expired, and petitioner has not filed an affidavit in support of his request to proceed in forma pauperis, has not paid the appropriate filing fee, and has not filed an amended petition or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; 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)(1). Within

1 twenty-one days after being served with these findings and recommendations, petitioner may file
2 written objections with the court. The document should be captioned "Objections to Magistrate
3 Judge's Findings and Recommendations." Petitioner is advised that failure to file objections
4 within the specified time may waive the right to appeal the District Court's order. Martinez v.
5 Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: December 22, 2009.

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9 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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