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

AYERS LOVETTE,

Petitioner,

No. CIV S-09-2928 GGH P

vs.

PEOPLE OF SAC. COUNTY,

Respondent.

FINDINGS & RECOMMENDATIONS

_____ /

By an order filed November 4, 2009, petitioner was ordered to file an application to proceed in forma pauperis within twenty-eight days. The twenty-eight day period has now expired, and petitioner has not responded to the court’s order and has not filed an application to proceed in forma pauperis. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. The Clerk of Court shall assign a district judge to this case.

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

DATED: January 14, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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