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

CARLOS HENDON,

Plaintiff,

No. CIV S-09-2935 FCD EFB P

vs.

KNOWLES, et al.,

Defendants

FINDINGS AND RECOMMENDATIONS

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On October 26, 2009, the court found that plaintiff had attempted to initiate a civil action without paying the filing fee required by 28 U.S.C. § 1914(a) or requesting leave to proceed in forma pauperis under 28 U.S.C. § 1915(a). The court gave plaintiff 30 days to submit the required filing fee or an application to proceed *in forma pauperis* and warned him that failure to do so would result in a recommendation that this action be dismissed. The 30-day period expired and plaintiff had not responded to that order. Therefore, on December 15, 2009, the court recommended that this action be dismissed. On December 22, 2009, plaintiff filed objections. Thereafter, on May 3, 2010, the court gave plaintiff an additional thirty days to submit either the filing fee or an application to proceed in forma pauperis, and once again admonished plaintiff that failure to comply would result in a recommendation of dismissal.

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1 The 30-day period has expired and plaintiff has not paid the required filing fee or  
2 requested leave to proceed *in forma pauperis* or otherwise responded to the court's order.

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

4 These findings and recommendations are submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
6 after being served with these findings and recommendations, any party may file written  
7 objections with the court and serve a copy on all parties. Such a document should be captioned  
8 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
9 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
10 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

11 Dated: July 26, 2010.

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13 EDMUND F. BRENNAN  
14 UNITED STATES MAGISTRATE JUDGE  
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