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

CELESTINE STOOT,

Plaintiff,

No. CIV S-10-0601 DAD P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

By an order filed September 22, 2010, plaintiff was ordered to file an in forma pauperis application or to pay the appropriate filing fees within thirty days. In addition, plaintiff's complaint was dismissed and plaintiff was granted leave to file an amended complaint within thirty days. Plaintiff was cautioned that failure to comply with the court's order would result in a recommendation that this action be dismissed. The thirty day period has now expired, and plaintiff has not responded to the court's order, has not filed an in forma pauperis application or paid the appropriate filing fee, and has not filed an amended complaint.

Accordingly, IT IS HEREBY ORDERED that this action be randomly assigned to a District Judge.

Also, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

1 These findings and recommendations are submitted to the United States District
2 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-
3 one days after being served with these findings and recommendations, plaintiff may file written
4 objections with the court. Such a document should be captioned "Objections to Magistrate
5 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections
6 within the specified time may waive the right to appeal the District Court's order. Martinez v.
7 Ylst, 951 F.2d 1153 (9th Cir. 1991).

8 DATED: November 2, 2010.

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11 _____
12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

12 DAD:4
13 stoot0601.fifp.fta