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

GILBERT S. MARTINEZ,

Plaintiff,

No. CIV S-10-1485 WBS GGH P

vs.

YOLANDA RODRIGUEZ,

Defendant.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. By Order dated October 8, 2010, and filed October 8, 2010, the undersigned adopted the findings and recommendations filed September 15, 2010, which denied plaintiff's motion to proceed in forma pauperis and ordered plaintiff to submit the appropriate filing fee within twenty-eight days. To date, plaintiff has failed to submit the fee; therefore, this action is dismissed.

DATED: December 14, 2010



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE