

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

JERRY W. BAKER,

Plaintiff,

No. CIV S-10-1586 LKK EFB P

vs.

MARSH, et al.,

Defendants

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_/

On June 30, 2010, the court severed plaintiff's claims from those of Philip Madison and directed the clerk to open a new civil action as to Madison. The order further directed plaintiff Baker that if he wished to proceed with this civil action he must pay the filing fee required by 28 U.S.C. § 1914(a) or request 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 has expired and plaintiff has not paid the required filing fee or requested leave to proceed *in forma pauperis* or otherwise responded to the court's order.

////

////

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

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

9 Dated: September 22, 2010.

10   
11 EDMUND F. BRENNAN  
12 UNITED STATES MAGISTRATE JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26