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

VAUGHN EMERY WALTON,

Plaintiff,

No. 2:10-cv-1591 FCD DAD (PC)

vs.

MICHEAL EVANS, Warden, et al.,

Defendants.

ORDER

FINDINGS AND RECOMMENDATIONS

_____ /

By an order filed November 8, 2010, plaintiff was ordered to file a complete in forma pauperis application together with a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. The thirty day period expired with no response from plaintiff. Accordingly, on January 3, 2011, this court issued findings and recommendations recommending dismissal of this action without prejudice. On January 19, 2011, plaintiff filed objections to the findings and recommendations. On March 10, 2011, this court vacated the findings and recommendations and granted plaintiff an additional period of thirty days in which to file a complete in forma pauperis application. That additional period has now expired and plaintiff has still not responded in any way to the court's March 10, 2011 order.

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

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 fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections shall be served and filed within fourteen days after service of the objections. The parties are 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: May 18, 2011.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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