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

PHILIP MADISON,

Plaintiff,

No. CIV S-10-1682 LKK EFB P

vs.

MARSH, et al.,

Defendants

FINDINGS AND RECOMMENDATIONS

On June 30, 2010, the court severed plaintiff's claims from those of Jerry W. Baker in No. Civ. S-10-1586. The order further directed plaintiff Madison 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.

Accordingly, it is 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

1 after being served with these findings and recommendations, any party may file written
2 objections with the court and serve a copy on all parties. Such a document should be captioned
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
4 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
5 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

6 Dated: August 25, 2010.

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9 EDMUND F. BRENNAN
10 UNITED STATES MAGISTRATE JUDGE
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