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

TAHEE A'RASHEED,

Plaintiff,

No. CIV S-10-1805 FCD GGH P

vs.

TIM VIRGA, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

By order filed September 22, 2010, plaintiff (previously found ineligible to proceed *in forma pauperis*) was ordered, within twenty-eight days, to pay the \$350.00 filing fee or submit documentation showing that he currently has \$350.00 available in his prison trust account and to describe specifically his efforts to access these funds, and also describe specifically how defendants have prevented him from doing so. The twenty-eight day period has now expired, and plaintiff has not paid the fee or otherwise responded to the court's order.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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, plaintiff may file written

1 objections with the court. The document should be captioned “Objections to Magistrate Judge's
2 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
3 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
4 F.2d 1153 (9th Cir. 1991).

5 DATED: December 7, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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