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

MARIO NGWAZI WOOTEN,

Plaintiff,

No. CIV S-10-2138 MCE DAD P

vs.

MIKE GREGORY SOKOLOV,

Defendant.

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_/

By an order filed August 30, 2010, plaintiff was ordered to file an in forma pauperis affidavit or pay the appropriate filing fee within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. On September 24, 2010, the court granted plaintiff a sixty-day extension of time to comply with the order. The sixty-day period has now expired, and plaintiff has not responded to the court's order and has not filed an in forma pauperis affidavit or paid the appropriate filing fee.

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 twenty-one days after being served with these findings and recommendations, plaintiff may file written

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

5 DATED: January 26, 2011.

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9 DALE A. DROZD  
10 UNITED STATES MAGISTRATE JUDGE

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