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

MATT KOSTER,

Plaintiff,

No. 2: 10-cv-2264 KJN P

vs.

MARSH, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /

By an order filed September 1, 2010, plaintiff was ordered to file an in forma pauperis affidavit or pay the appropriate filing fees within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty 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.

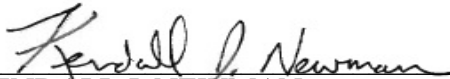
Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall assign a district judge to this action; and

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

1 days after being served with these findings and recommendations, plaintiff may file written  
2 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
3 Findings and Recommendations." Any response to the objections shall be filed and served  
4 within fourteen days after service of the objections. Plaintiff is advised that failure to file  
5 objections within the specified time may waive the right to appeal the District Court's order.  
6 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 DATED: October 13, 2010

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11 KENDALL J. NEWMAN  
12 UNITED STATES MAGISTRATE JUDGE

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