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

MARIO NGWAZI WOOTEN,

Plaintiff,

No. CIV S-10-2382 DAD P

vs.

MIKE GREGORY SOKOHO,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /

By an order filed September 15, 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.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a United States District Judge to this action.

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: October 26, 2010.

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9 DALE A. DROZD  
10 UNITED STATES MAGISTRATE JUDGE

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