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

RUBEN J. BONTTY,

Plaintiff,

No. 2:10-cv-2486 KJN P

vs.

SECOND WATCH, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

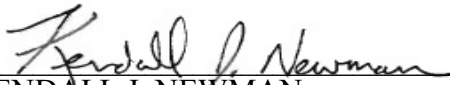
By order filed October 6, 2010, plaintiff was directed to file a certified copy of his prison trust account statement in support of his application to proceed in forma pauperis. On October 13, 2010, plaintiff filed a second application to proceed in forma pauperis, but again failed to have the institution of incarceration complete the certificate portion of the form, and to provide a certified copy of his prison trust account statement. This was the second opportunity provided plaintiff to either pay the filing fee or provide the appropriate documents to seek leave to proceed in forma pauperis. (Dkt. Nos. 3, 6.) In the court’s last order, plaintiff was informed that failure to comply with that order “will result in a recommendation that this action be dismissed without prejudice.” (Dkt. No. 6 at 2.)

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

1 IT IS HEREBY RECOMMENDED that this action be dismissed without
2 prejudice.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-
5 one days after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
8 shall be served and filed within fourteen days after service of the objections. The parties are
9 advised that failure to file objections within the specified time may waive the right to appeal the
10 District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: April 15, 2011

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14 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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