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

ROGER SCOTT ALLEN,

Plaintiff,

No. CIV S-10-2768 GGH P

vs.

J.B. WALKER, Warden, et al.,

Defendants.

ORDER &

FINDINGS AND RECOMMENDATIONS

_____ /

By an order filed October 29, 2010, this case was re-designated as a civil rights action pursuant to 42 U.S.C. Section 1983 and plaintiff was ordered to file an in forma pauperis affidavit or pay the appropriate filing fees within twenty-eight days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. The twenty-eight 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 is directed to assign a district judge to this case.

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

These findings and recommendations are submitted to the United States District

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

8 DATED: January 18, 2011

9
10 /s/ Gregory G. Hollows

11 UNITED STATES MAGISTRATE JUDGE

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