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

FRANK J. WILLIAMS,

Petitioner,

No. 2:10-cv-2904 FCD KJN P

vs.

STATE OF CALIFORNIA,

Respondent.

FINDINGS & RECOMMENDATIONS

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By an order filed November 4, 2010, petitioner was ordered to file either an application to proceed in forma pauperis or pay the appropriate filing fee within thirty days, and he was cautioned that failure to do so would result in a recommendation that this action be dismissed. On December 15, 2010, petitioner was granted an additional thirty days in which to comply with this court’s November 4, 2010 order. That thirty day period has now expired, and petitioner has not responded to the court’s order and has not filed an application to proceed in forma pauperis or paid the 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-

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

6 DATED: January 24, 2011

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9 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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