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

JUAN PEDRO ECHEVERRIA,

Petitioner,

No. CIV S-10-3459 DAD P

vs.

GARY SWARTHOUT,

Respondents.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

On January 13, 2011, the court ordered petitioner to file an in forma pauperis affidavit or pay the required filing fee within thirty days. The court cautioned petitioner that failure to do so would result in the dismissal of this action. The thirty day period has now expired, and petitioner 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, petitioner may file written

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

5 DATED: March 5, 2011.

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8 _____
9 DALE A. DROZD
10 UNITED STATES MAGISTRATE JUDGE

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