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

CARLOS HENDON,

Plaintiff,

No. CIV S-10-3471 KJM CKD P

vs.

T. VIRGA, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

By an order filed December 5, 2011 plaintiff's in forma pauperis status was revoked pursuant to 28 U.S.C. § 1915(g). Plaintiff was ordered to pay the \$350.00 filing fee for this action within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed.¹ The thirty day period has now expired, and plaintiff has not paid the filing fee.

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¹ This order was affirmed by the district judge on December 22, 2011.

1 Accordingly, IT IS HEREBY RECOMMENDED that:

- 2 1. Defendants' August 29, 2011 motion to dismiss (Dkt. No. 16) be granted; and
3 2. This action be dismissed.

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

12 Dated: January 13, 2012

13 
14 CAROLYN K. DELANEY
15 UNITED STATES MAGISTRATE JUDGE

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