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

CHARLES MCCLELLAN,

Plaintiff,

No. CIV S-11-0044 GGH (TEMP) P

vs.

JOHN R. RODRIGUEZ,

Defendant.

ORDER AND

FINDINGS AND RECOMMENDATIONS

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By an order filed January 19, 2011, plaintiff was ordered to file a completed application to proceed in forma pauperis or pay the appropriate filing fees within thirty days. Plaintiff was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has now expired, and plaintiff has not responded to the court's order.

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

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

7 DATED: March 2, 2011

8 /s/ Gregory G. Hollows

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10 GREGORY G. HOLLOWES  
11 UNITED STATES MAGISTRATE JUDGE

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