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

STEVE R. PERRY,

Petitioner,

No. 2:11-cv-0169 KJN P

vs.

NAPA STATE HOSPITAL,

Respondent.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____ /

By order filed January 31, 2011, petitioner was directed to file an in forma pauperis affidavit or to pay the appropriate filing fee in order to proceed with his federal habeas petition which attempts to challenge the state's procedures for establishing a conservatorship for a person found gravely disabled. Plaintiff was accorded fourteen days within which to comply with the court's order, and instructed that failure to comply would result in the dismissal of this action. (Dkt. No. 3 at 2.) The fourteen-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 assign a district judge to this case; and

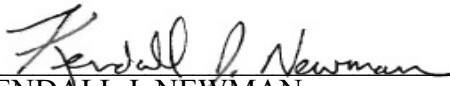
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1 IT IS HEREBY RECOMMENDED that this action be dismissed without
2 prejudice.

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

11 DATED: April 15, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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