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

WILLIE WEAVER,

Plaintiff,

No. CIV S-11-0262 GEB EFB P

vs.

J. NGUYEN,

Defendant.

FINDINGS AND RECOMMENDATIONS

On April 5, 2011, the court found that plaintiff was precluded from seeking leave to proceed *in forma pauperis* and directed him to pay the filing fee of three hundred fifty dollars (\$350.00) within twenty-one days. That order warned plaintiff that failure to pay the filing fee would result in a recommendation that this action be dismissed.

The 30-day period has expired and plaintiff has paid the required filing fee or otherwise responded to the court's order.¹

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¹ Although it appears from the docket that plaintiff's copy of the order was served upon him and returned marked "undeliverable, paroled," plaintiff was properly served. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 Accordingly, it is RECOMMENDED that this action be dismissed without prejudice.

2 These findings and recommendations are submitted to the United States District Judge
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
4 after being served with these findings and recommendations, any party may file written
5 objections with the court and serve a copy on all parties. Such a document should be captioned
6 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
7 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
8 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

9 Dated: May 20, 2011.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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