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

MARIO WOOTEN,

Plaintiff,

No. CIV S-11-0682 JAM EFB P

vs.

NEWMAN AIOLA,

Defendant.

FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On March 22, 2011, the court ordered plaintiff to pay the filing fee or file an in forma pauperis application as required by 28 U.S.C. § 1915(a)(2) and warned him that failure to do so would result in a recommendation that this action be dismissed. The 30-day period set in the March 22, 2011 order has expired and plaintiff has not filed an in forma pauperis application, paid the appropriate filing fee, or otherwise responded to the order.

It therefore is 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 fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned

1 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
2 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
3 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

4 Dated: May 12, 2011.

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6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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