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

MICHAEL L. OVERTON,

Plaintiff,

No. 2:11-cv-1646 LKK JFM (PC)

vs.

WARDEN, CMF VACAVILLE,

Defendant.

FINDINGS & RECOMMENDATIONS

_____ /

By order filed July 29, 2011, plaintiff was granted thirty days in which to file a complaint. In addition, plaintiff was granted thirty days in which to either file an application to proceed in forma pauperis or to pay the \$350.00 filing fee for this action. The thirty day period expired and plaintiff did not file an amended complaint or an in forma pauperis application, pay the filing fee, or otherwise respond to the court's order. For that reason, on September 13, 2011, this court issued findings and recommendations recommending that this action be dismissed without prejudice.

On September 22, 2011, plaintiff filed objections to the findings and recommendations. By order filed October 11, 2011, this court vacated the September 13, 2011 findings and recommendations and granted plaintiff one final period of thirty days in which to

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1 comply with the July 29, 2011 order. That thirty day period has expired and plaintiff has neither
2 complied with the July 29, 2011 order nor responded in any way to the October 11, 2011 order.

3 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
4 without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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

13 DATED: December 8, 2011.

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16 UNITED STATES MAGISTRATE JUDGE

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