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

LAZARUS D. ORTEGA,

Plaintiff,

No. 2:11-cv-2735 GEB CKD P

vs.

HEITKAMP,

Defendant.

FINDINGS AND RECOMMENDATIONS

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Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. On January 23, 2013, the court ordered plaintiff to pay the \$350 filing fee for this action within 14 days and warned plaintiff that failure to do so would result in a recommendation that this action be dismissed without prejudice. The 14 day period has now expired and plaintiff has not paid the filing fee.

In accordance with the above, 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 fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s

1 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the  
2 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951  
3 F.2d 1153 (9th Cir. 1991).

4 Dated: February 19, 2013

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6 CAROLYN K. DELANEY  
7 UNITED STATES MAGISTRATE JUDGE

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