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

MICHAEL LYNN WATERS,

Plaintiff,

No. 2:11-cv-2822 GEB KJN P

vs.

SGT. T. YBARRA,

Defendant.

FINDINGS & RECOMMENDATIONS

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By order filed October 28, 2011, plaintiff’s motion was denied, and thirty days leave to file a complaint and an application to proceed in forma pauperis, or the filing fee, was granted. Plaintiff filed a request for reconsideration, and on November 30, 2011, the district court affirmed the October 28, 2011 order. Thirty days from the district court’s order has now expired, and plaintiff has not filed a complaint, an application to proceed in forma pauperis, or the filing fee, or otherwise responded to the court’s order.

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

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

1 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
2 Findings and Recommendations." Any response to the objections shall be filed and served  
3 within fourteen days after service of the objections. Plaintiff is advised that failure to file  
4 objections within the specified time may waive the right to appeal the District Court's order.  
5 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: January 4, 2012

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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