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

DAVID H. CHURCHILL,

Plaintiff,

No. CIV S-11-2833 GGH P

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS BOARD OF
PRISON TERMS, et al.,

Defendants.

ORDER &

FINDINGS AND RECOMMENDATIONS

_____ /

By an order filed November 22, 2011, plaintiff was ordered to file a completed in forma pauperis affidavit within twenty-eight days and was cautioned that failure to do so would result in a recommendation that this action be dismissed without prejudice. The twenty-eight day period has now expired, and plaintiff has not responded to the court's order and has neither filed an in forma pauperis affidavit nor paid the appropriate filing fee. Moreover, the court notes that prior to this case having being transferred from the Northern District to this court by order filed in this case docket on October 25, 2011, plaintiff had been directed to complete his in forma pauperis application as of July 28, 2011. Nothing in the record indicates that plaintiff responded to this earlier clerk's notice from the Northern District.

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Accordingly, IT IS ORDERED that a district judge assignment be made to this case.

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. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: January 4, 2012

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH:009
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