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

MARVIN HARRIS,

Plaintiff,

No. CIV S-11-3322 CKD P

vs.

TOM VIRGA, et al.,

Defendants.

ORDER and

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /

By order filed January 4, 2012, plaintiff was ordered to show cause, within twenty-one days, why he is not barred from proceeding in forma pauperis under 28 U.S.C. § 1915(g). The twenty-one day period has now expired, and plaintiff has not responded to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall assign a district judge to this case.

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 twenty-one 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." Plaintiff is advised that failure to file objections within the  
3 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
4 F.2d 1153 (9th Cir. 1991).

5 Dated: February 16, 2012

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8 CAROLYN K. DELANEY  
9 UNITED STATES MAGISTRATE JUDGE

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