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

PAUL WINFIELD,

Petitioner,

No. 2:12-cv-1006 KJN P

vs.

TIM V. VIRGA, Warden,

Respondents.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____ /

By an order filed April 20, 2012, petitioner was ordered to file an in forma pauperis affidavit or to pay the appropriate filing fee, within thirty days, or his application would be dismissed. On May 14, 2012, petitioner’s copy of the order was returned as undeliverable. On May 16, 2012, the order was re-served on petitioner. Thirty days from that re-service have now passed, and petitioner has not responded to the court's order, has not filed an in forma pauperis affidavit, and has not paid the appropriate filing fee.


In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

IT IS 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

1 days after being served with these findings and recommendations, petitioner may file written
2 objections with the court. The document should be captioned "Objections to Magistrate Judge's
3 Findings and Recommendations." Petitioner is advised that failure to file objections within the
4 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
5 F.2d 1153 (9th Cir. 1991).

6 DATED: June 27, 2012

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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