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

GARY T. CARRILLO,

Plaintiff,

No. 2:12-cv-1077 KJM DAD P

vs.

TIM V. VIRGA,

Defendant.

FINDINGS AND RECOMMENDATIONS

_____/

On May 9, 2012, the court ordered plaintiff to file a complaint and submit an application to proceed in forma pauperis or the filing fee in the amount of \$350.00 within thirty days. Plaintiff was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has now expired, and plaintiff has not filed a complaint or submitted an application to proceed in forma pauperis or the filing fee.

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 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: June 21, 2012.

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7 _____
8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

7 DAD:9
8 carr1077.noc

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