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

WILLIE WEAVER,

Plaintiff,

No. 2:12-cv-01092 MCE KJN P

vs.

CAPTAIN, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

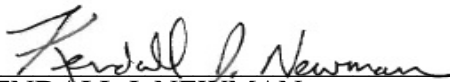
Plaintiff is a state prisoner, proceeding without counsel, in this civil rights action filed pursuant to 42 U.S.C. § 1983. By order filed June 12, 2012, this court found that plaintiff was precluded from proceeding in forma pauperis in this action because he is “three strikes” barred under the 28 U.S.C. § 1915(g). (See Dkt. No. 8.) Plaintiff was directed to pay the full filing fee of \$350.00, within twenty-one days, in order to proceed with this action. Plaintiff was cautioned that failure to timely submit the full filing fee would result in a recommendation that this action be dismissed.

The twenty-one day period has expired, and plaintiff has not responded to the court’s order, or paid the filing fee. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

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1 These findings and recommendations are submitted to the United States District
2 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
3 after being served with these findings and recommendations, plaintiff may file written objections
4 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
5 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
6 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
7 (9th Cir. 1991).

8 DATED: July 23, 2012

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11 KENDALL J. NEWMAN
12 UNITED STATES MAGISTRATE JUDGE

13 weav1092.f&r.3strikes
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