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

RICHARD JOSE DUPREE, JR.

Plaintiff,

No. 2:12-cv-1295 KJM GGH P

vs.

EARVIN (MAGIC) JOHNSON, et al.

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

By order filed September 25, 2012, the court directed plaintiff, within twenty-eight days, either to show cause why he should not be barred from proceed in forma pauperis, pursuant to 28 U.S.C. § 1915(g), or to pay the filing fee. The twenty-eight day period has now expired, and plaintiff has not shown cause, paid the filing fee, or otherwise responded to the court's order.

For the reasons given in the September 25, 2012, order, IT IS HEREBY RECOMMENDED that this action be dismissed with 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 Title 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being served with these findings and recommendations, plaintiff may file

1 written objections with the court. The document should be captioned "Objections to Magistrate
2 Judge's Findings and Recommendations." Any response to the objections shall be filed and
3 served within fourteen days after service of the objections. Plaintiff is advised that failure to file
4 objections within the specified time may waive the right to appeal the District Court's order.

5 DATED: November 14, 2012

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7 /s/ Gregory G. Hollows
8 UNITED STATES MAGISTRATE JUDGE

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