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

9 MICHAEL LOUIS OVERTON,

10 Plaintiff,

No. 2:12-cv-1649 MCE AC P

11 vs.

12 WARDEN – CMF,

13 Defendant.

FINDINGS AND RECOMMENDATIONS

14 _____/
15 On October 17, 2012, the court denied plaintiff's application to proceed in forma
16 pauperis. See Doc. No. 10. The court ordered plaintiff to pay the filing fee within twenty-one
17 days, and directed that, should plaintiff fail to do so, this action would be dismissed. The
18 twenty-one day period has now expired, and plaintiff has not paid the filing fee or otherwise
19 responded to the court's October 17, 2012 order.

20 Accordingly, IT IS HEREBY RECOMMENDED that this action be
21 dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

22 These findings and recommendations are submitted to the United States District
23 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
24 days after being served with these findings and recommendations, any party may file written
25 objections with the court and serve a copy on all parties. Such a document should be captioned
26 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections

1 shall be served and filed within fourteen days after service of the objections. The parties are
2 advised that failure to file objections within the specified time may waive the right to appeal the
3 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 DATED: November 21, 2012

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6 /s/
ALLISON CLAIRE
7 UNITED STATES MAGISTRATE JUDGE
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