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

WILLIE WEAVER,

Plaintiff,

No. 2: 12-cv-1681 JFM (PC)

vs.

THRAFFT,

Defendant.

ORDER AND FINDINGS AND  
RECOMMENDATIONS

\_\_\_\_\_/

By an order filed July 31, 2012, plaintiff was ordered to file an in forma pauperis affidavit and/or pay the appropriate filing fees within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. The July 31, 2012 order was returned to the court as undeliverable. On September 25, 2012, the July 31, 2012 order was reserved on plaintiff at his updated address.

The thirty day period from September 25, 2012 has now expired, and plaintiff has not responded to the court's order and has not filed an in forma pauperis affidavit and/or paid the appropriate filing fee.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a United States District Judge to this action.

Furthermore, IT IS HEREBY RECOMMENDED that this action be dismissed

1 without prejudice.

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

9 DATED: November 27, 2012.

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12 UNITED STATES MAGISTRATE JUDGE

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