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

THOMAS FOOTE RISELEY,

Plaintiff,

No. 2:12-cv-1695 MCE GGH P

vs.

WARDEN, High Desert State  
Prison, et al.,

Defendants.

ORDER

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On August 23, 2012, the court directed plaintiff to file an amended complaint within twenty-eight days, and warned plaintiff that his failure to file an amended complaint would result in a recommendation that the action be dismissed. See Doc. No. 7. The court also denied plaintiff's motion to proceed in forma pauperis and directed plaintiff to file a new application. Id. On October 16, 2012, because plaintiff had not responded to the court's August 23, 2012 order, the court issued findings and recommendations recommending that the action be dismissed with prejudice. See Doc. No. 8. On October 29, 2012, plaintiff filed a response to the findings and recommendations, advising the court that he objects to dismissal, and asking the court to provide him with a new copy of the August 23, 2012 order as his paperwork was lost by staff during a transfer. See Doc. No. 9 at 2. Plaintiff does not address his failure to file a new application to proceed in forma pauperis.

