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7   IN THE UNITED STATES DISTRICT COURT

8   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   PAUL WINFIELD,

12   Plaintiff,   No. 2:12-cv-2387 WBS AC P

13   vs.

14   ELENA RAPPOPORT, et al.,

15   Defendants.   FINDINGS AND RECOMMENDATIONS

16   _____/

17   On October 1, 2012, the magistrate judge issued findings and recommendations

18   that plaintiff's motion to proceed in forma pauperis be denied pursuant to 28 U.S.C. § 1915(g).

19   See Doc. No. 5. On October 31, 2012, the court adopted the magistrate judge's findings and

20   recommendations, and denied plaintiff's application to proceed in forma pauperis. See Doc. No.

21   8. The court further ordered plaintiff to pay the filing fee in full within twenty-eight days, and

22   that, if plaintiff failed to pay the filing fee, the action would be dismissed. Id. In response,

23   plaintiff has filed a second application to proceed in forma pauperis, but has not paid the filing

24   fee in full, as he was ordered to do.

25   Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed

26   for failure to pay the filing fee. See Local Rule 110; Fed. R. Civ. P. 41(b).

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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)(l). Within fourteen

3 days after being served with these findings and recommendations, any party may file written

4 objections with the court and serve a copy on all parties. Such a document should be captioned

5 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections

6 shall be served and filed within fourteen days after service of the objections. The parties are

7 advised that failure to file objections within the specified time may waive the right to appeal the

8 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9 DATED: December 19, 2012.

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11   ALLISON CLAIRE
                                        UNITED STATES MAGISTRATE JUDGE

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14 AC:rb
    winf2387.fr

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