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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   STEWART MANAGO,   No. 2:13-cv-0956 MCE DB

12   Plaintiff,

13   v.   FINDINGS AND RECOMMENDATIONS

14   JEFFREY A. BEARD, et al.,

15   Defendants.

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17   Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C.

18   § 1983 and was granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 on

19   August 18, 2014. On January 24, 2017, this court revoked plaintiff's in forma pauperis status

20   because of three previous lawsuits by plaintiff that were dismissed as frivolous. Accordingly, the

21   court ordered plaintiff to submit the appropriate filing fee of $331.00 within 21 days, or else the

22   court would recommend dismissal. (ECF No. 54.) The 21 day deadline has now passed and

23   plaintiff has not yet paid the requisite $331 filing fee.

24   Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for failure

25   to comply with this court's order to pay the mandatory filing fee, and that defendants' motion to

26   dismiss (ECF No. 57) be denied as moot.

27   These findings and recommendations are submitted to the United States District Judge

28   assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days

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after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any response to the objections shall be filed and served within fourteen days after service of the objections. Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. <u>Martinez v. Ylst</u>, 951 F.2d 1153 (9th Cir. 1991).

DATED: September 20, 2017

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

TIM-DLB:10
ORDERS / ORDER.PRISONER.CIVIL RIGHTS / Mona0956.fr.dismiss