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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS HONABLE,
Petitioner,
v.
M.D. McDONALD,
Respondent.

No. 2:13-cv-1203 JAM KJN P

FINDINGS AND RECOMMENDATIONS

By an order filed June 24, 2013, petitioner was ordered to file an application to proceed in forma pauperis or pay the filing fee within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. Petitioner was granted three extensions of time (ECF Nos. 9, 11, & 14); his last deadline expired on November 12, 2013. Despite these extensions of time, petitioner has not responded to the court’s order and has not filed an application to proceed in forma pauperis or paid the filing fee.¹ Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

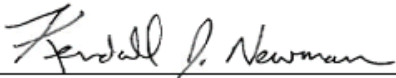
¹ On July 17, 2013, petitioner submitted a receipt reflecting payment of a \$5.00 filing fee from his inmate trust account on June 21, 2013. (ECF No. 5 at 2.) However, the receipt does not reflect the case number for the payment, and petitioner has not demonstrated that the \$5.00 payment was made in the instant action. The court record does not reflect that a \$5.00 payment was received.

1 after being served with these findings and recommendations, petitioner may file written
2 objections with the court. The document should be captioned "Objections to Magistrate Judge's
3 Findings and Recommendations." Petitioner is advised that failure to file objections within the
4 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
5 F.2d 1153 (9th Cir. 1991).

6 Dated: November 19, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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