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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES EDWARD TRUSCHKE, JR.,  
Plaintiff,  
v.  
D. FLYNN, et al.,  
Defendants.

No. 2:13-cv-1255-MCE-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a county inmate proceeding without counsel. To properly commence a civil action, plaintiff must file a signed complaint. Fed. R. Civ. P. 3. In addition, plaintiff must pay the \$400 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed in forma pauperis and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a).

Despite two court orders, plaintiff has yet to submit a proper complaint and either pay the filing fee or submit a proper application for proceeding in forma pauperis. See ECF Nos. 3, 20. On August 15, 2013, the court ordered plaintiff to file the required documents within 30 days. The 30-day period has expired and plaintiff has not paid the filing fee, filed a completed in forma pauperis application, or filed a proper complaint.

Accordingly, it is hereby recommended that this action be DISMISSED.

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 after being served with these findings and recommendations, any party may file written  
2 objections with the court and serve a copy on all parties. Such a document should be captioned  
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
4 objections shall be served and filed within fourteen days after service of the objections. The  
5 parties are advised that failure to file objections within the specified time may waive the right to  
6 appeal the District Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

7 Dated: September 20, 2013.

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9 EDMUND F. BRENNAN  
10 UNITED STATES MAGISTRATE JUDGE  
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