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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN FREDERICK HARDNY,  
Petitioner,  
v.  
T. VIRGA,  
Respondent.

No. 2:13-cv-1509 TLN AC P

FINDINGS AND RECOMMENDATIONS


By an order filed July 31, 2013 petitioner was ordered to file an in forma pauperis affidavit or to pay the required \$5.00 filing fee within thirty days and was cautioned that failure to comply with the order would result in a recommendation that this action be dismissed. The thirty day period has now expired, and petitioner has not responded to the court’s order and has neither filed an in forma pauperis affidavit nor paid the appropriate filing fee. 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 twenty-one days after being served with these findings and recommendations, petitioner may file written objections. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Petitioner is advised that failure to file objections within the specified

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1 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
2 (9th Cir. 1991).

3 DATED: September 11, 2013

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5 ALLISON CLAIRE  
6 UNITED STATES MAGISTRATE JUDGE

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