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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DESHAWN MALONE,  
Plaintiff,  
v.  
JEFFREY BEARD, et al.,  
Defendants.

No. 2:14-cv-2096 TLN DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On March 1, 2016, defendants’ motion to revoke plaintiff’s in forma pauperis status was granted and plaintiff was ordered to pay the \$400 filing fee in order to proceed with this action. (ECF No. 28.) Plaintiff moved for reconsideration and on January 26, 2017, the district judge denied that motion and affirmed the March 1, 2016 order. (ECF No. 37.) Plaintiff was ordered to pay the filing fee within twenty-one days.

Plaintiff then filed an appeal. (ECF No. 38.) On January 24, 2018, the Court of Appeals dismissed plaintiff’s appeal and on February 22, 2018, the Court of Appeals issued its mandate. (ECF No. 44.) On February 27, 2018, this court again gave plaintiff twenty-one days to submit the \$400 filing fee. (ECF No. 45.) Plaintiff was warned that if he failed to pay the fee, this court would recommend that this action be dismissed.

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1 Twenty-one days have passed and plaintiff has not submitted the filing fee or otherwise  
2 responded to the February 27 order. Accordingly, IT IS HEREBY RECOMMENDED that this  
3 action be dismissed without prejudice for plaintiff's failure to pay the filing fee.

4 These findings and recommendations will be submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
6 after being served with these findings and recommendations, either party may file written  
7 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
8 Findings and Recommendations." The parties are advised that failure to file objections within the  
9 specified time may result in waiver of the right to appeal the district court's order. Martinez v.  
10 Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 Dated: April 3, 2018

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15 DEBORAH BARNES  
16 UNITED STATES MAGISTRATE JUDGE  
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