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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLY RAY SHANEE MALDONADO,  
Plaintiff,  
v.  
JOE A. LIZARRAGA, et. al.,  
Defendants.

No. 2:15-cv-02682 GEB AC P

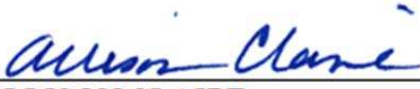
FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He sought leave to proceed in forma pauperis. ECF No. 10. On May 11, 2017, the court determined that plaintiff was a “three-striker” within the meaning of 28 U.S.C. § 1915(g). ECF No. 11 at 1-2. That is, he had filed at least three lawsuits that had been dismissed as frivolous, malicious, or which failed to state a claim on which relief could be granted. Id. at 2. The court ordered plaintiff to tender the filing fee within twenty-one days of that order and warned him that failure to do so would result in a recommendation that this action be dismissed. Id. at 3; see Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order). On May 26, 2017, plaintiff asked for an extension of time to tender the filing fee (ECF No. 12) and the court granted it, moving the due date for the filing fee to June 26, 2017. ECF No. 13. That date has now passed and plaintiff has not tendered the filing fee, nor has he sought a further extension of time.

1           Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without  
2 prejudice for failure to prosecute.

3           These findings and recommendations are submitted to the United States District Judge  
4 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 21 days after  
5 being served with these findings and recommendations, plaintiff may file written objections with  
6 the court. Such document should be captioned “Objections to Magistrate Judge’s Findings and  
7 Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file objections within  
8 the specified time may waive the right to appeal the District Court’s order. *Martinez v. Ylst*, 951  
9 F.2d 1153 (9th Cir. 1991).

10 DATED: July 14, 2017

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13 ALLISON CLAIRE  
14 UNITED STATES MAGISTRATE JUDGE  
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