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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH ALAN SIERRA,
Plaintiff,
v.
DIRECTOR OF DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

No. 2: 16-cv-1067 MCE KJN P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action filed pursuant to 42 U.S.C. § 1983. On May 5, 2017, the court denied plaintiff’s application to proceed in forma pauperis, and ordered plaintiff to pay the filing fee within thirty days. (ECF No. 64). Plaintiff appealed the May 5, 2017 order to the Ninth Circuit Court of Appeals. (ECF No. 65). On April 4, 2018, the Ninth Circuit dismissed plaintiff’s appeal for failure to prosecute. (ECF No. 76.)

On April 11, 2018, the undersigned ordered plaintiff to pay the filing fee within thirty days. (ECF No. 77.) In this order, the undersigned cautioned that failure to comply with the order would result in a recommendation of dismissal of this action. (Id.) Thirty days passed and plaintiff did not pay the filing fee or otherwise respond to the April 11, 2018 order.


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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 after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: May 16, 2018


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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