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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LERROY JAMES COLBERT,
Petitioner,
v.
S. PEERY,
Respondent.

No. 2:16-cv-1823 CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

On August 8, 2016, petitioner was ordered to file a request to proceed in forma pauperis or pay the filing fee for this action within thirty days. Petitioner was warned that failure to comply with that order would result in dismissal. The thirty day period has now expired, and petitioner has not complied with the court’s order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court Assign a district court judge to this case; and

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 fourteen days after being served with these findings and recommendations, petitioner may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Petitioner is advised that failure to file objections within the

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

3 Dated: September 15, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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