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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SONNY RAY HARDAWAY,
Plaintiff,
v.
M.E. SPEARMAN, et al.,
Defendants.

No. 2:16-cv-2219-WBS-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On April 28, 2017, the court denied plaintiff’s application to proceed in forma pauperis because he is a three-strikes litigant within the meaning of 28 U.S.C. § 1915(g). ECF No. 8. Plaintiff was given 21 days within which to pay the \$400 filing fee for this action. *Id.* Plaintiff was warned that failure to pay the filing fee within 21 days would result in a recommendation of dismissal. *Id.* Plaintiff has not paid the filing fee or otherwise responded to the court’s order.

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, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned

1 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
2 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
3 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

4 Dated: June 1, 2017.

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6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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