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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 WALTER SHANE LANGSTON,

12 Plaintiff,

13 v.

14 A. FRANTZEN, et al.,

15 Defendants.
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No. 2:16-cv-2364-GEB-EFB P

FINDINGS AND RECOMMENDATIONS

17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
18 U.S.C. § 1983. On April 21, 2017, the court denied plaintiff's application to proceed in forma
19 pauperis because he is a three-strikes litigant within the meaning of 28 U.S.C. § 1915(g). ECF
20 No. 7. Plaintiff was given 21 days within which to pay the \$400 filing fee for this action. *Id.*
21 Plaintiff was warned that failure to pay the filing fee within 21 days would result in a
22 recommendation of dismissal. *Id.* Plaintiff has not paid the filing fee or otherwise responded to
23 the court's order.

24 Accordingly, it is hereby RECOMMENDED that this action be dismissed.

25 These findings and recommendations are submitted to the United States District Judge
26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
27 after being served with these findings and recommendations, any party may file written
28 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: May 30, 2017.

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6 EDMUND F. BRENNAN

7 UNITED STATES MAGISTRATE JUDGE
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