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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER SHANE LANGSTON,
Plaintiff,
v.
J. BLACKFORD,
Defendant.

No. 2:16-cv-2366 WBS DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. In an order filed May 26, 2017, the court found plaintiff was not eligible to proceed in forma pauperis in this action because he has accrued three strikes under 28 U.S.C. § 1915(g). The court ordered plaintiff to pay the filing fee within twenty-one days and warned plaintiff that his failure to do so would result in a recommendation that this action be dismissed.

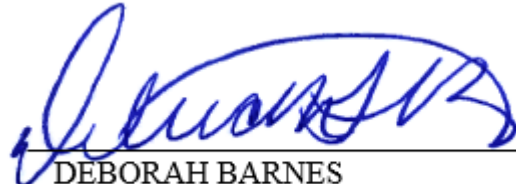
Twenty-one days have passed and plaintiff has not submitted the filing fee or otherwise responded to the court's May 26 order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See E.D. Cal. R. 110; Fed. R. Civ. P. 41(b).

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

1 after being served with these findings and recommendations, plaintiff may file written objections
2 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings
3 and Recommendations." Plaintiff is advised that failure to file objections within the specified
4 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
5 (9th Cir. 1991).

6 Dated: June 28, 2017

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10 DEBORAH BARNES
11 UNITED STATES MAGISTRATE JUDGE

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13 DLB:9
14 DLB1/prisoner-civil rights/lang2366.3 strikes fr

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