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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   GREGORY C. BONTEMPS,   No. 2:16-cv-2424 CKD P

12   Plaintiff,

13   v.   ORDER AND

14   M. LAWAYA,   FINDINGS AND RECOMMENDATIONS

15   Defendant.

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17   On February 6, 2017, the court ordered that plaintiff pay the $400 filing fee for this action

18   within 14 days. Plaintiff was warned that failure to pay the filing fee within 14 days would result

19   in dismissal. Plaintiff has not paid the filing fee.[1]

20   Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district

21   court judge to this case; and

22   /////

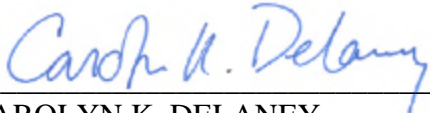23   /////

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25   _____

      [1] This court dismissed this case on May 3, 2017 for plaintiff's failure to pay the filing fee since
26   plaintiff consented to magistrate judge jurisdiction on October 19, 2016. See 28 U.S.C. § 636(c).
      The Ninth Circuit reversed that dismissal pursuant to Williams v. King, 875 F.3d 500, 503-04
27   (9th Cir. 2017) (magistrate judges do not have authority to dismiss cases unless all named-
      defendants who have not been dismissed have also consented regardless of whether they have
28   appeared in an action, been served with process or screened in pursuant to 28 U.S.C. § 1915A(a)).

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1   IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

2   These findings and recommendations are submitted to the United States District Judge

3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days

4 after being served with these findings and recommendations, plaintiff may file written objections

5 with the court. The document should be captioned "Objections to Magistrate Judge's Findings

6 and Recommendations." Plaintiff is advised that failure to file objections within the specified

7 time may waive the right to appeal the District Court's order. <u>Martinez v. Ylst</u>, 951 F.2d 1153

8 (9th Cir. 1991).

9 Dated: April 30, 2018

10 _____
    CAROLYN K. DELANEY

11   UNITED STATES MAGISTRATE JUDGE

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bont2424.fee

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