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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEERTESE BIERGE,
Plaintiff,
v.
ELIZABETH RAMOS, et al.,
Defendants.

No. 2:16-cv-03037 MCE AC (PS)

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). On June 6, 2017, the court denied plaintiff’s application to proceed in form pauperis (“IFP”) and dismissed his complaint. ECF No.6. The court granted plaintiff 30 days to renew the IFP application or to pay the filing fee, and to submit an amended complaint. Id. Plaintiff made no filing within the time provided by the court. On July 11, 2017, the court issued an order to show why the case should not be dismissed for failure to prosecute, providing plaintiff 14 days to respond. ECF No. 7. Plaintiff was cautioned that failure to comply could lead to a recommendation that the action be dismissed.

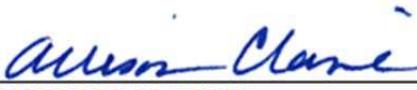
Plaintiff failed to comply with the court’s order. Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for failure to pay the filing fee, for lack of prosecution and for failure to comply with the court’s order. See Olivares v.

1 Marshall, 59 F.3d 109, 112 (9th Cir. 1995) (affirming dismissal for failure to pay partial filing fee
2 under IFP statute); Fed. R. Civ. P. 41(b) (lack of prosecution); Local Rule 110 (failure to comply
3 with court orders).

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one
6 (21) days after being served with these findings and recommendations, plaintiff may file written
7 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s
8 Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file
9 objections within the specified time may waive the right to appeal the District Court’s order.

10 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: August 1, 2017

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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