UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,

Plaintiff,

v.

RECEIVING AND RELEASING SERGEANT, et al.,

Defendants.

No. 2:17-cv-0153-GEB-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On March 1, 2017, the court found that plaintiff had failed to pay the $400 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed in forma pauperis and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). ECF No. 5. Accordingly, the court ordered plaintiff to submit either the filing fee or the application required by § 1915(a) within thirty days and warned him that failure to do so may result in this action being dismissed. The time for acting has passed and plaintiff has not paid the filing fee, submitted an application for leave to proceed in forma pauperis or otherwise responded to the court's order.

Accordingly, it is hereby RECOMMENDED that this action be dismissed without prejudice.

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)(l). 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 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

Dated: April 12, 2017.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE