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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN LAMAR JENKINS,
Plaintiff,
v.
JP MORGAN CHASE BANK,
Defendant.

No. 2:17-cv-0878-TLN-KJN (PS)

FINDINGS AND RECOMMENDATIONS

Plaintiff, who proceeds pro se, filed this action and requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.) On August 29, 2017, the court denied plaintiff’s application to proceed *in forma pauperis* and ordered plaintiff to “either (a) pay the applicable filing fee or (b) file an amended application to proceed *in forma pauperis* that adequately demonstrates that plaintiff is unable to pay the filing fee” within 28 days. (ECF No. 5.) Moreover, the court admonished plaintiff that “failure to either pay the filing fee or file a sufficient application to proceed *in forma pauperis* by the above deadline will result in a recommendation that the action be dismissed.” (*Id.*) Because plaintiff has failed to take any action since the court’s order, it appears that he has chosen to abandon this action.

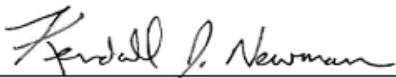
Accordingly, IT IS HEREBY RECOMMENDED that:

1. The action be dismissed without prejudice.
2. The Clerk of Court be directed to close this case.

1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
3 after being served with these findings and recommendations, any party may file written
4 objections with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
6 within the specified time may waive the right to appeal the District Court’s order. Martinez v.
7 Ylst, 951 F.2d 1153 (9th Cir. 1991).

8 IT IS SO RECOMMENDED

9 Dated: October 4, 2017

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11 _____
12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

14 14/ps.17-878.jenkins.F&R dismissal
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