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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL DEWAYNE ALLEN,  
Plaintiff,  
v.  
C.O. ELHERS,  
Defendant.

No. 2:17-cv-01943 KJM AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a former state prisoner proceeding pro se with a complaint challenging conditions of his prior confinement at California State Prison Sacramento. By order filed May 1, 2018, the court directed plaintiff to submit a non-prisoner application to proceed in forma pauperis within thirty days.<sup>1</sup> See ECF No. 10. Plaintiff was informed that failure to timely comply with the court’s order would result in a recommendation that this action be dismissed without prejudice. *Id.* at 2. The thirty-day period has expired, and plaintiff has not responded to the court’s order.

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

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<sup>1</sup> Plaintiff previously filed a prisoner application to proceed in forma pauperis, ECF No. 8, which is no longer applicable.

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 (14)  
3 days after service of these findings and recommendations, plaintiff may file written objections  
4 with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings  
5 and Recommendations.” Failure to file objections within the specified time may waive the right  
6 to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 DATED: June 13, 2018

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9 ALLISON CLAIRE  
10 UNITED STATES MAGISTRATE JUDGE