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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KOHEN DIALLO UHURU,
Plaintiff,
v.
LAURA ELDRIDGE, et al.,
Defendants.

No. 2:19-cv-1119 JAM KJN P

FINDINGS AND RECOMMENDATIONS

By an order filed July 29, 2020, plaintiff’s in forma pauperis status was revoked, and he was ordered to pay, within thirty days, the \$400.00 filing fee, and was cautioned that failure to do so would result in a recommendation that this action be dismissed. That time period has now expired, and plaintiff has not paid the court’s filing fee, or otherwise responded to the court’s order.¹

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¹ Instead, plaintiff filed an appeal. On October 16, 2020, the Court of Appeals for the Ninth Circuit denied plaintiff leave to proceed in forma pauperis on appeal because plaintiff had sustained three or more actions or appeals dismissed as frivolous, malicious, or for failure to state a claim, and had not alleged imminent danger of serious physical injury. Uhuru v. Eldridge, No. 20-16736 (9th Cir. Oct. 16, 2020). Plaintiff was ordered to pay the \$505.00 filing fee within 21 days; such deadline has passed, and the circuit’s docket does not reflect plaintiff’s payment. Id. Rather, on November 4, 2020, the circuit docketed receipt of plaintiff’s opening brief, but also noted: “Major deficiencies: briefing is stayed, fees are due.” Id.

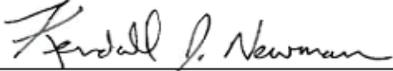
1 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
2 prejudice.

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

10 Dated: November 17, 2020

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE