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7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 ROGELIO MAY RUIZ,

11 Plaintiff,

12 v.

13 A. SHEARER, et al.,

14 Defendants.
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No. 2:20-cv-2078 TLN DB P

FINDINGS AND RECOMMENDATIONS

16 Plaintiff is a state prisoner proceeding pro se with a civil rights action. Plaintiff claims
17 officers used excessive force in violation of his Eighth Amendment rights. On December 2,
18 2020, the undersigned recommended that plaintiff's motion to proceed in forma pauperis be
19 denied because plaintiff accrued three strikes under 28 U.S.C. § 1915(g) prior to filing the instant
20 action. (ECF No. 10.) By order dated January 15, 2021, the district judge assigned to this action
21 adopted the findings and recommendations and directed plaintiff to pay the filing fee within
22 fourteen days of the date of this order or face dismissal of this action. (ECF No. 13.) Those
23 fourteen days have passed, and plaintiff has not paid the filing fee.

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

26 These findings and recommendations will be submitted to the United States District Judge
27 Assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after
28 being served with these findings and recommendations, plaintiff may file written objections with

1 the court. The document should be captioned "Objections to Magistrate Judge's Findings and
2 Recommendations." Plaintiff is advised that failure to file objections within the specified time
3 may result in a waiver of the right to appeal the district court's order. Martinez v. Ylst, 951 F.2d
4 1153 (9th Cir. 1991).

5 Dated: April 26, 2021

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9 DEBORAH BARNES
10 UNITED STATES MAGISTRATE JUDGE
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14 DB:12
15 DB:1/Orders/Prisoner/Civil.Rights/ruiz2078.f&r.fee
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