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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DUANE ANGELO GITTENS,
Petitioner,
v.
ON HABEAS CORPUS,
Respondent.

No. 2:22-cv-01708-KJM-EFB (HC)

FINDINGS AND RECOMMENDATIONS


Mr. Gittens is a state prisoner without counsel. On November 2, 2022, the court found that Mr. Gittens had failed to either pay the appropriate filing fee or submit a proper application seeking leave to proceed in forma pauperis. ECF No. 9. Accordingly, the court directed Mr. Gittens to submit either the filing fee or the application required by 28 U.S.C. § 1915(a) within thirty days. *Id.* The court also warned Mr. Gittens that failure to do so would result in this action being dismissed. *Id.* The time for acting has now passed and Mr. Gittens 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)(1). 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

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

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7 Dated: December 8, 2022.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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