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| MARTIN KARL MILLER, |) | 3:16-CV-0317-MMD (VPC) |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>REPORT AND RECOMMENDATION</u> |
| |) | <u>OF U.S. MAGISTRATE JUDGE</u> |
| CONNIE STEINHEIMER, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

On June 10, 2016, the court received plaintiff's request to proceed *in forma pauperis* (ECF No. 1) and a civil rights complaint. On June 8, 2017, found plaintiff's declaration insufficient for the court rule on the application as he had been released from custody (ECF No. 4). The court ordered plaintiff to submit a completed application to proceed *in forma pauperis* for non-prisoners on or before June 26, 2017. (*Id.*) Plaintiff failed to respond to this court's order.

The parties should be aware of the following:

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1 Recommendation” and should be accompanied by points and authorities for consideration by the
2 District Court.

3 2. This Report and Recommendation is not an appealable order, and any notice of appeal
4 pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court’s
5 judgment.

6 **RECOMMENDATION**

7 For the reasons stated above, the undersigned Magistrate Judge recommends that the District
8 Judge enter an order as follows:

- 9 1. **DENYING** plaintiff’s request to proceed *in forma pauperis* (ECF No. 1); and
10 2. **DISMISSING** this action without prejudice.

11 DATED: October 25, 2017.

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14 UNITED STATES MAGISTRATE JUDGE
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