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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 ELSTON T CASTILLO,

11 Plaintiff,

12 v.

13 US DEPARTMENT OF JUSTICE et  
14 al.,

15 Defendant.

CASE NO. C13-5406 BHS-JRC

REPORT AND RECOMMENDATION

NOTED FOR:  
NOVEMBER 29, 2013.

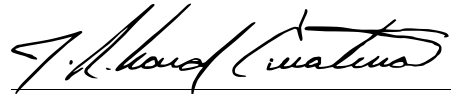
16 The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States  
17 Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §  
18 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

19 Plaintiff filed a civil rights action without filing a motion to proceed in forma pauperis or  
20 paying the filing fee and the Court sent him a deficiency letter (ECF No. 1 and 3). The detention  
21 facility returned the mail to the Court because plaintiff was no longer there (ECF No.4). Plaintiff  
22 then filed a notice of change of address (ECF No. 5). The Court resent the deficiency letter to  
23 plaintiff on June 11, 2013. There has been no activity in this case since that time.  
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1 The Court recommends that this action be dismissed without prejudice. Plaintiff has not  
2 paid the filing fee or moved for in forma pauperis status. *See Funtanilla v. Down*, 131 Fed.  
3 Appx, 536, 537 (9th Cir. 2005)(dismissal for failure to pay filing fee).

4 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
5 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.  
6 6. Failure to file objections will result in a waiver of those objections for purposes of de novo  
7 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit  
8 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on  
9 November 29, 2013, as noted in the caption.

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11 Dated this 5th day of November, 2013.

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14 J. Richard Creatura  
United States Magistrate Judge