

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

CHRISTOPHER CARREA, JR.,

Plaintiff,

v.

H. ISERMAN, et al.,

Defendants.

Case No. 1:08-CV-00762-BLW-LMB

ORDER

Pending before the Court is Defendants' Motion to Revoke Plaintiff's IFP Status and Require Plaintiff to Post Security (Dkt. 33) and Plaintiff's Motion for 60-Day Extension of Time to Respond to Defendant's motion (Dkt. 38). These motions were referred to Magistrate Judge Larry M. Boyle by Orders dated September 16 and 18, 2009 (Dkts. 18 & 19). Having reviewed the motions, responses, and the record in this matter, the Court enters the following Order and Recommendation.

ORDER

IT IS ORDERED that Plaintiff's Motion for Extension of Time to File Response to Defendants' Motion to Revoke Plaintiff's in Forma Pauperis Status and to Require Plaintiff to Post Security (Dkt. 38) is GRANTED.

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REPORT

Plaintiff requested a 60-day extension of time from October 21, 2010, in which to file a response to Defendant's Motion to Revoke Plaintiff's IFP Status and Require Plaintiff to Post Security (Dkt. 33). The Court granted this request above. Therefore, Plaintiff's response should have been filed no later than December 21, 2010. Because Plaintiff, who has been paroled, has not filed a response within the requested time period or otherwise indicated his intent to continue to pursue this case after he requested an extension of time to file a response, it is **HEREBY RECOMMENDED**:

1. Plaintiff's case be **DISMISSED** in its entirety without prejudice.
2. Defendants' Motion to Revoke Plaintiff's in Forma Pauperis Status and to Require Plaintiff to Post Security (Dkt. 33) be **DENIED** as **MOOT**.

OBJECTIONS

Any party may object to the magistrate judge's proposed findings, recommendations or report within fourteen (14) days following service with a copy thereof. Such party shall file with the Clerk of the Court all written objections, specifically identifying the portions to which objection is being made, and the basis therefore. *See* 28 U.S.C. § 636(b)(1)(C), Fed.R.Civ.P. 73, and LMR 4, Local Rules for the Eastern District of California. Such filing should be captioned "Objections to Magistrate Judge's Report and Recommendations." Failure to file an objection within the specified time may result in the waiver of the right to appeal the District Court's ruling on this Report and Recommendation. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998);

Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). A Magistrate Judge's recommendation cannot be appealed to a court of appeals; only the District Judge's order or judgment can be appealed.



DATED: **February 7, 2011.**

A handwritten signature in black ink that reads "Larry M. Boyle". The signature is written in a cursive style and is positioned above a horizontal line.

Honorable Larry M. Boyle
United States Magistrate Judge