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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TERRANCE MARSH, *et al.*
Plaintiff,
v.
NATIONS DIRECT MORTGAGE., *et al.*
Defendant.

Case No. 1:23-cv-01518-CDB
FINDINGS AND RECOMMENDATIONS THAT
THIS ACTION BE DISMISSED WITHOUT
PREJUDICE
(Doc. 4)
ORDER DIRECTING CLERK OF COURT TO
ASSIGN DISTRICT JUDGE
21-DAY DEADLINE

Plaintiffs Terrance Marsh and Gisele Marsh (“Plaintiffs”), proceeding pro se, filed this civil action on October 24, 2023. (Doc. 1). Neither Plaintiff has paid the \$402.00 filing fee, but each Plaintiff has filed a request for waiver of court fees on what appears to be a form used by California state courts. (Docs. 2-3). On October 30, 2023, the Court issued an order providing Plaintiffs thirty-days to complete the Court’s standard *in forma pauperis* forms, or in the alternative pay the \$402.00 filing fee for this action. (Doc. 4). Plaintiffs were forewarned failure to comply with this order will result in dismissal of this action. *Id.* at 2.

The thirty-day period has expired, and Plaintiffs have failed to pay the filing fee, submit the IFP forms, or otherwise respond to the Court’s order. Accordingly, the Clerk of Court is DIRECTED to randomly assign a district judge to this case.

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And IT IS RECOMMENDED that:

1. This action be dismissed, without prejudice, for Plaintiff’s failure to pay the filing fee pursuant to 28 U.S.C. § 1914 or to file an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915; and
2. The Clerk of Court be directed to close this case.

In the event Plaintiffs timely file proper *in forma pauperis* applications or pay the filing fee, the Court will vacate these findings and recommendations.

These findings and recommendations will be submitted to the United States district judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, Plaintiffs may file written objections with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiffs are advised that failure to file objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: December 22, 2023


UNITED STATES MAGISTRATE JUDGE