1	
2	
3	
4	
5	
6	
7	
8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	FABIAN RODRIGUEZ,
11	Petitioner, No. CIV S-09-3205 DAD
12	VS.
13	M. MARTEL, <u>ORDER AND</u>
14	Respondent. <u>FINDINGS AND RECOMMENDATIONS</u>
15	
16	By an order filed November 24, 2009, petitioner was ordered to file an application
17	to proceed in forma pauperis or pay the appropriate filing fee within thirty days and was
18	cautioned that failure to do so would result in a recommendation that this action be dismissed.
19	The thirty day period has now expired, and petitioner has not responded to the court's order and
20	has not filed an application to proceed in forma pauperis or paid the appropriate filing fee.
21	Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to
22	randomly assign a United States District Judge to this action;
23	IT IS HEREBY RECOMMENDED that this action be dismissed without
24	prejudice.
25	
26	/////
	1

(HC) Rodriguez v. Martel

Doc. 7

DAD:lg rodr3205.fta

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)(l). Within twenty-one days after being served with these findings and recommendations, petitioner may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Petitioner is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: January 11, 2010.

DALE A. DROZD

UNITED STATES MAGISTRATE JUDGE