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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DESHAWN MYRICK,

Plaintiff,

No. 2:10-cv-1085 JFM (PC)

vs.

IVES, et al.,

Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se on a “1331 Motion of Civil Suit” filed on January 26, 2010.¹ On March 9, 2010, plaintiff filed a motion for summary judgment. This motion, however, is premature. Plaintiff has not been approved to proceed in forma pauperis, he has not paid the filing fee, defendants have not been served, and no defendants have appeared in this matter.

In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court assign a district judge to this case; and

IT IS HEREBY RECOMMENDED that plaintiff’s March 9, 2010 motion for summary judgment be denied without prejudice.

¹ This action was transferred from the Northern District of California on May 3, 2010.

1 These findings and recommendations will be submitted to the United States
2 District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
3 twenty days after being served with these findings and recommendations, plaintiff may file
4 written objections with the court. The document should be captioned “Objections to Findings
5 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
6 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
7 (9th Cir. 1991).

8 DATED: June 14, 2010.

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11 UNITED STATES MAGISTRATE JUDGE

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