

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

VAUGHN EMERY WALTON,

Plaintiff,

No. 2:10-cv-1591 DAD (PC)

vs.

MICHEAL EVANS, Warden, et al.,

Defendants.

ORDER

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /

By an order filed November 8, 2010, plaintiff was ordered to file a complete in forma pauperis application together with a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. The thirty day period has now expired, and plaintiff has not responded in any way to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign this action to a United States District Judge; and

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

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)(1). Within fourteen days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned  
2 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections  
3 shall be served and filed within fourteen days after service of the objections. The parties are  
4 advised that failure to file objections within the specified time may waive the right to appeal the  
5 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: January 3, 2011.

7  
8   
9 \_\_\_\_\_  
10 DALE A. DROZD  
11 UNITED STATES MAGISTRATE JUDGE  
12

13 DAD:12  
14 walt1591.fifp  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26