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

KENNETH MOORE, JR.,

Plaintiff,

No. 2: 12-cv-2119 JFM (PC)

vs.

CALIFORNIA P.I.A., et al.,

Defendant.

ORDER AND FINDINGS AND  
RECOMMENDATIONS

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding *pro se* with a civil rights action filed pursuant to 42 U.S.C. § 1983. On October 17, 2012, plaintiff was instructed to file a complete application to proceed in forma pauperis after it was determined that plaintiff’s previous application was missing a completed certificate as well as a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of the complaint. Plaintiff was given thirty days to file a complete application to proceed in forma pauperis along with a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of the complaint. Plaintiff was also instructed that failure to comply with that order could result in the dismissal of the action without prejudice.

1           The thirty day period has now expired and plaintiff has not complied with the  
2 October 17, 2012 order. Thus, it will be recommended that this action be dismissed without  
3 prejudice.

4           Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign  
5 a United States District Judge to this action.

6           Furthermore, IT IS HEREBY RECOMMENDED that this action be dismissed  
7 without prejudice.

8           These findings and recommendations are submitted to the United States District  
9 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen  
10 days after being served with these findings and recommendations, plaintiff may file written  
11 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
12 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
13 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
14 F.2d 1153 (9th Cir. 1991).

15 DATED: November 28, 2012.

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18 UNITED STATES MAGISTRATE JUDGE

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