

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

RUBEN BONTTY,

Plaintiff,

No. 2: 12-cv-2385 DAD P

vs.

B. COLVIN,

Defendant.

ORDER AND FINDINGS AND  
RECOMMENDATIONS

\_\_\_\_\_ /

By an order filed September 24, 2012, plaintiff was ordered to file an application to proceed in forma pauperis or pay the appropriate filing fee within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed without prejudice. The thirty day period has now expired, and plaintiff has not responded to the court's order and has not filed an application to proceed in forma pauperis affidavit or paid the appropriate filing fee.

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

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

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

8 DATED: November 9, 2012.

9  
10   
11 

---

DALE A. DROZD  
12 UNITED STATES MAGISTRATE JUDGE

13 DAD:dpw  
14 bont2385.fifp  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26