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

RAHEEM HANIF,

Plaintiff,

vs.

AVENAL STATE PRISON
MEDICAL STAFF, et al.,

Defendants.

Case No. 1:11-cv-00504 JLT (PC)

ORDER DIRECTING THE CLERK OF THE
COURT TO ASSIGN A DISTRICT JUDGE
TO THIS ACTION

FINDINGS AND RECOMMENDATIONS
RECOMMENDING THAT THIS ACTION
BE DISMISSED

(Doc. 3)

_____ /

On March 25, 2011, Plaintiff, who is proceeding pro se, initiated this civil rights action pursuant to 42 U.S.C. § 1983. However, Plaintiff, did not pay the \$350 filing fee nor did he file a properly completed application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Thus, by order filed March 29, 2011, the Court directed Plaintiff to, within thirty days, either (1) pay the filing fee for this action; or (2) file a properly completed application to proceed in forma pauperis. The thirty-day period has since expired, and Plaintiff has failed to comply with the Court’s order or otherwise respond to the Court’s order.

Accordingly, it is **HEREBY ORDERED** that the Clerk of the Court shall assign a district judge to this action.

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1 Also, it is **HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT**
2 **PREJUDICE** for Plaintiff's failure to pay the filing fee or submit a properly completed application
3 to proceed in forma pauperis.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
6 after being served with these findings and recommendations, Plaintiff may file written objections
7 with the Court. Such a document should be captioned "Objections to Magistrate Judge's Findings
8 and Recommendations." Plaintiff is advised that failure to file objections within the specified time
9 may waive his right to appeal the District Court's order. See *Martinez v. Ylst*, 951 F.2d 1153 (9th
10 Cir. 1991).

11
12 IT IS SO ORDERED.

13 Dated: May 11, 2011

14 /s/ Jennifer L. Thurston
15 UNITED STATES MAGISTRATE JUDGE
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