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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LOUIS ADOLFO SILVA,)	Case No.: 1:13-cv-02064-LJO-BAM PC
)	
Plaintiff,)	FINDINGS AND RECOMMENDATIONSTO
)	DISMISS CASE FOR FAILURE TO OBEY
v.)	COURT ORDERS
)	
GONZALES, et al.,)	(ECF Nos. 5, 6, 7)
)	
Defendants.)	FIFTEEN-DAY DEADLINE
)	
)	
)	

Plaintiff Louis Adolfo Silva (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on November 27, 2013, in the Central District of California. The matter was transferred to this district on December 19, 2013.

On December 19, 2013, the Court ordered Plaintiff to either consent to or decline Magistrate Judge jurisdiction within thirty days. (ECF No. 5.) Thereafter, on December 23, 2013, the Court ordered Plaintiff to submit an application to proceed in forma pauperis on the correct form or pay the filing fee within forty-five days. (ECF No. 6.) On February 3, 2014, the Court issued a second order requiring Plaintiff to either consent to or decline Magistrate Judge jurisdiction within thirty days. (ECF No. 7.) The relevant time periods for Plaintiff to respond to the Court’s orders have expired, and

1 Plaintiff has not filed the correct application to proceed in forma pauperis, paid the filing fee or
2 consented to or declined Magistrate Judge jurisdiction.

3 A civil action may not proceed absent the submission of either the filing fee or an application
4 to proceed in forma pauperis. 28 U.S.C. §§ 1914, 1915. As Plaintiff has submitted neither and has not
5 responded to any of the Court's orders, dismissal of this action is appropriate. In re
6 Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006); Local
7 Rule 110.

8 Accordingly, it is HEREBY RECOMMENDED that this action be dismissed, without
9 prejudice, for Plaintiff's failure to comply with the Court's orders.

10 These findings and recommendations will be submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fifteen (15) days
12 after being served with these findings and recommendations, Plaintiff may file written objections with
13 the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
14 Recommendations." Plaintiff is advised that failure to file objections within the specified time may
15 waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16
17 IT IS SO ORDERED.

18 Dated: March 24, 2014

/s/ Barbara A. McAuliffe
19 UNITED STATES MAGISTRATE JUDGE