

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  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FLOYD SEALY,  
  
Plaintiff,  
  
v.  
  
WARDEN M. SEXTON, et al.,  
  
Defendant(s).

1:18-cv-01000 JLT (PC)  
  
**ORDER TO ASSIGN A DISTRICT  
JUDGE TO THIS CASE; AND  
  
FINDINGS AND RECOMMENDATIONS  
TO DISMISS THIS ACTION WITHOUT  
PREJUDICE  
  
FOURTEEN-DAY DEADLINE**

On February 8, 2019, the Court ordered the plaintiff to file a completed in forma pauperis affidavit and a certified copy of his prison trust account statement. The Court cautioned him that his failure to do so would result in a recommendation that this action be dismissed. The forty-five-day period has now expired, and plaintiff has not responded to the Court's order and has not filed the required documents. Accordingly, the Court:

1. ORDERS the Clerk of the Court assign a district judge to this case; and
2. RECOMMENDS 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 objections with the court and serve a copy on all parties. Such a document should be captioned

1 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
2 objections shall be filed and served within fourteen days after service of the objections. The  
3 parties are advised that failure to file objections within the specified time may waive the right to  
4 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5  
6 IT IS SO ORDERED.

7 Dated: April 5, 2019

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28