UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

Plaintiff, v. D. DIAZ, et al., Defendants. Plaintiff, oRDER DIRECTING CLERK OF COUNTAIN ASSIGN A DISTRICT JUST THIS ACTION FINDINGS AND RECOMMENDATION RECOMMENDING DISMISSAL OF ACTION FOR FAILURE TO PROSECUTE [ECF No. 11]	DGE TO

Plaintiff Mark Hunt is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 3, 2019, the Court issued an order for Plaintiff to show cause within fourteen days why the action should not be dismissed for failure to prosecute, namely, the failure to submit a complaint signed under penalty of perjury. More than fourteen days have passed and Plaintiff has not complied with or otherwise responded to the Court's order. Plaintiff was warned that a recommendation for dismissal would occur if he failed to obey the order.

A civil action may not proceed absent the submission of a cognizable complaint signed under penalty of perjury. Fed. R. Civ. P. 11(a); Local Rule 131. Based on Plaintiff's failure to comply with the Court's order, dismissal of this action is appropriate. <u>In re Phenylpropanolamine (PPA) Products Liability Litigation</u>, 460 F.3d 1217, 1226 (9th Cir. 2006); Local Rule 110.

Accordingly, it is HEREBY ORDERED that a Fresno District Judge be randomly assigned to this action.

Further, it is HEREBY RECOMMENDED that the instant action be dismissed for failure to prosecute.

This Findings and Recommendation will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within **fourteen (14) days** after being served with this Findings and Recommendation, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendation." Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing <u>Baxter v. Sullivan</u>, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: **June 27, 2019**

UNITED STATES MAGISTRATE JUDGE