

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

10 | CHANCE A. VIGIL,

Plaintiff,

No. CIV S-08-0765 WBS EFB P

VS.

13 | VACAVILLE POLICE DEPARTMENT

Defendant.

## **FINDINGS AND RECOMMENDATIONS**

On November 4, 2008, the court found that plaintiff's application to proceed *in forma*

17 | pauperis failed to contain the required certified trust account statement. Accordingly, the

18 court ordered plaintiff to file a completed *in forma pauperis* application together with the

19 required certified copy of his prison trust account statement. The order gave plaintiff 30 days to

20 file the required application and warned him that failure to do so would result in a

21 recommendation that this action be dismissed.

22 The 30-day period has expired and plaintiff has not filed a completed *in forma pauperis*  
23 affidavit or otherwise responded to the court's order.<sup>1</sup>

<sup>1</sup> Although it appears from the file that plaintiff's copy of the order was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 83-182(f), service of documents at the record address of the party is fully effective.

1       It therefore is RECOMMENDED that this action be dismissed without prejudice.

2       These findings and recommendations are submitted to the United States District Judge  
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days  
4 after being served with these findings and recommendations, any party may file written  
5 objections with the court and serve a copy on all parties. Such a document should be captioned  
6 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
7 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
8 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

9       Dated: January 22, 2009.

10         
11       EDMUND F. BRENNAN  
12       UNITED STATES MAGISTRATE JUDGE