

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

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

NEFTAN MENDEZ,

Plaintiff,

No. CIV S-08-2727 DAD P

vs.

K. WIN, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

By an order filed November 24, 2008, plaintiff was ordered to file a completed affidavit in support of his request to proceed in forma pauperis within thirty days along with a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. Plaintiff was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has now expired, and plaintiff has not responded to the court's order and has not filed an in forma pauperis affidavit and certified copy of his prison trust account statement.

According, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a United States District Judge to this action;

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

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

8 DATED: January 7, 2009.

9
10 
11 _____
12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

12 DAD:lg
13 mend2727.fifp