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

DELBERT WILLIAMS,

Plaintiff,

No. CIV S-09-0491 DAD P

vs.

GOMAN, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

By an order filed August 25, 2009, plaintiff was ordered to file, within thirty days, a properly completed in forma pauperis application that includes a certified copy of plaintiff's prison trust account statement for the six-month period immediately preceding the filing of the complaint and 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 a properly completed in forma pauperis application and certified copy of plaintiff's prison trust account statement.

Accordingly, 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, any party may file written
4 objections with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
6 shall be served and filed within ten days after service of the objections. The parties are advised
7 that failure to file objections within the specified time may waive the right to appeal the District
8 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9 DATED: October 8, 2009.

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12 _____
13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

13 DAD:lg
14 will0491.fifp