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

JUAN RAZO RAMIREZ,

Plaintiff,

No. CIV S-09-0994 DAD P

vs.

UNKNOWN,

Defendant.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

By an order filed July 6, 2009, plaintiff was ordered to file, within thirty days, a complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice together with an application requesting leave to proceed in forma pauperis or pay the appropriate filing fee. Plaintiff was cautioned that failure to do so would result in a recommendation that this action be dismissed. On August 25, 2009, plaintiff was granted an additional thirty days to comply with the court's order. The time period has now expired, and plaintiff has not responded to the court's order, has not filed a complaint and has not filed an application requesting leave to proceed in forma pauperis or paid the appropriate filing fee.

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

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

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
5 days after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
8 shall be served and filed within ten days after service of the objections. The parties are advised
9 that failure to file objections within the specified time may waive the right to appeal the District
10 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: October 8, 2009.

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14 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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