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

DUDLEY JACKLINE,

Plaintiff,

No. CIV S-09-1578 EFB P

vs.

UNKNOWN,

Defendant.

ORDER AND
FINDINGS AND RECOMMENDATIONS

_____ /

On December 15, 2009, the court found that plaintiff had attempted to initiate a civil action without filing a complaint, as required by Fed. R. Civ. P. 3, and had further failed to pay the filing fee required by 28 U.S.C. § 1914(a) or requested leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(a). The court ordered plaintiff to submit a complaint and the required filing fee or an application to proceed *in forma pauperis* within 30 days and warned him that failure to do so would result in a recommendation that this action be dismissed.

The 30-day period has expired and plaintiff has not filed a complaint or paid the required filing fee or requested leave to proceed *in forma pauperis* or otherwise responded to that order.¹

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¹ Although plaintiff filed a document on December 29, 2009, it is unresponsive to the court's order.

1 Accordingly, it is hereby ORDERED that the Clerk randomly assign a United States
2 District Judge to this case.

3 Further, it is RECOMMENDED that this action be dismissed without prejudice.

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

11 Dated: May 3, 2010.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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