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

DAVID EARL PARMER,

Plaintiff,

No. CIV S-09-3310 GGH P

vs.

J. WALKER, et al.,

Defendants.

ORDER &

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_/

By an order filed February 16, 2010, plaintiff was ordered, within thirty days, to file a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of the complaint and the certification required on the in forma pauperis application form. Plaintiff was cautioned that his failure to comply with the order would result in a recommendation that this action be dismissed without prejudice.

The thirty-day period has now expired, and plaintiff has not responded to the court's order and has neither filed the requisite documentation nor paid the appropriate filing fee.

Accordingly, IT IS ORDERED that the Clerk of the Court make a district judge assignment to this case.

IT IS RECOMMENDED that this case be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, any party may file written

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

6 DATED: April 2, 2010

7  
8 /s/ Gregory G. Hollows

9 UNITED STATES MAGISTRATE JUDGE

10 GGH:009  
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