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

TAHEE ABD’RASHEED

Plaintiff,

No. CIV S-09-3560 DAD P

vs.

DEPARTMENT OF CORRECTIONS  
AND REHABILITATION, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

On March 17, 2010, plaintiff was ordered to file an in forma pauperis application within thirty days. He 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 filed an in forma pauperis application or otherwise responded to the court’s order.

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

Also, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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." Plaintiff is advised that  
3 failure to file objections within the specified time may waive the right to appeal the District  
4 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: April 28, 2010.

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9 DALE A. DROZD  
10 UNITED STATES MAGISTRATE JUDGE

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