

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

RONALD ROBINSON,

Plaintiff, No. 2:09-cv-3580 KJN F

VS.

J. WALKER, Warden, et al.,

ORDER and

Defendants.

FINDINGS AND RECOMMENDATIONS

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Plaintiff is a state prisoner proceeding without counsel in this civil rights action filed December 28, 2009. On February 17, 2010, this court directed plaintiff to submit, within twenty-eight days, an affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee. See 28 U.S.C. §§ 1914(a), 1915(a). (Dkt. No. 6.) Plaintiff was served with the order, provided a new application to proceed in forma pauperis, and was informed that failure to comply with the order “will result in the dismissal of this action.” (Dkt. No. 6, at 1.)

The deadline has passed and plaintiff has neither submitted a proper in forma pauperis application nor paid the filing fee; plaintiff has not further communicated with the court. The court will therefore recommend dismissal of this action. See Local Rule 110 (“Failure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds

1 for imposition by the Court of any and all sanctions").¹

2 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign
3 a district judge to this case.

4 Further, IT IS HEREBY RECOMMENDED that this action be dismissed without
5 prejudice.

6 These findings and recommendations are submitted to the United States District
7 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 21 days
8 after being served with these findings and recommendations, plaintiff may file written objections
9 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
10 and Recommendations." Plaintiff is advised that failure to file objections within the specified
11 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
12 (9th Cir. 1991).

13 DATED: April 12, 2010

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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21 ¹ Plaintiff's two-page complaint lends further support for dismissing this action.
22 Although actual review of the merits of the complaint requires first that the court grant in forma
23 pauperis status, a cursory review demonstrates that plaintiff has failed not only to articulate a
24 cognizable claim (he alleges that defendants failed to provide the accommodations which
25 plaintiff is due under the Americans with Disabilities Act, without identifying his qualifying
26 disability or the accommodations to which he is allegedly entitled), but he has failed to allege any
facts demonstrating the required "linkage" between defendants and their purported (but
unidentified) failure to act. (See Dkt. No. 1, at 2.) In addition, plaintiff's prayer for relief
frivolously includes "a digital TV, A Radio with Speakers, [and] Four College classes to improve
his rehabilitation and sanity. . . ." (Id., at 2.)