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

RONALD KNUTSON,

Plaintiff,

No. 2:10-cv-1867 KJN P

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS,

Defendants.

ORDER and

FINDINGS AND RECOMMENDATIONS

By order filed July 27, 2010, plaintiff was directed to file an in forma pauperis affidavit or pay the appropriate filing fee within thirty days, and was cautioned that failure to do so may result in a recommendation that this action be dismissed. (Dkt. No. 4.) The Clerk of Court sent plaintiff a new Application to Proceed in Forma Pauperis with service of the court’s order. (Id.)

The thirty-day deadline has expired, and plaintiff has not responded to the court’s order, although plaintiff has filed a consent to the jurisdiction of the magistrate judge (Dkt. No. 5), and two barely-legible matters, a “Notice of Removal” (Dkt. No. 6), and a “Motion for Declaration of Rights” (Dkt. No. 7.) (Cursory review of the complaint demonstrates that it, too, presents legibility problems.) Thus, despite plaintiff’s continuing awareness of this action, he has not responded to the court’s order requiring that he either file an in forma pauperis affidavit

1 or pay the filing fee. The court will therefore recommend that this action be dismissed.

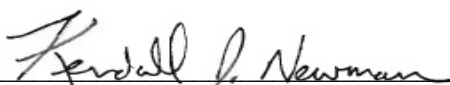
2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. Plaintiff's "Motion for Declaration of Rights" (Dkt. No. 7) is denied; and
4 2. The Clerk of Court is directed to randomly assign a district judge to this action.

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

7 These findings and recommendations are submitted to the United States District
8 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 21 days
9 after being served with these findings and recommendations, plaintiff may file written objections
10 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
11 and Recommendations." Plaintiff is advised that failure to file objections within the specified
12 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
13 (9th Cir. 1991).

14 DATED: October 18, 2010

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18 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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