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

SHERMAN JOHNSON, JR.,

Plaintiff,

No. 2:10-cv-2508 JFM (PC)

vs.

SACRAMENTO COUNTY, et al.,

Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____ /

By order filed October 18, 2010, this action was construed as a civil rights action pursuant to 42 U.S.C. § 1983, plaintiff's complaint was dismissed, and plaintiff was granted thirty days in which to file a completed application to proceed in forma pauperis and an amended civil rights complaint. The thirty day period has now expired, and plaintiff has not filed an in forma pauperis application or an amended complaint, and has not otherwise responded to the court's order.

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

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

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

9 DATED: December 2, 2010.

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12 UNITED STATES MAGISTRATE JUDGE

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