

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

JOHN PHILIP SIMON,

Plaintiff,

No. CIV S-10-2555 DAD P

vs.

CDCR et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

By an order filed November 10, 2010, plaintiff was ordered to file an in forma pauperis affidavit or pay the appropriate filing fees within thirty days. On November 30, 2010, the court re-served the order on plaintiff's address of record. The thirty-day period since the court re-served the order has now expired, and plaintiff has not filed an in forma pauperis affidavit or paid the appropriate filing fee.

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

IT IS HEREBY RECOMMENDED that this action 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-

1 one days after being served with these findings and recommendations, plaintiff may file written
2 objections with the court. Such a document should be captioned "Objections to Magistrate
3 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections
4 within the specified time may waive the right to appeal the District Court's order. Martinez v.
5 Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: January 12, 2011.

7
8 
9 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

10 DAD:9
11 simo2555.fifp
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26