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

BRIAN VAUGHAN,

Plaintiff,

No. CIV S-10-2962 EFB P

vs.

J. NEPOMUCENO, et al.,

Defendants.

ORDER AND
FINDINGS AND RECOMMENDATIONS

On November 10, 2010, the court found that plaintiff's application to proceed *in forma pauperis* did not include a certified copy of his trust account statement or the institutional equivalent, as required by 28 U.S.C. § 1915(a)(2). Accordingly, the court ordered plaintiff to submit the required trust account statement within thirty days and warned him that failure to do so would result in a recommendation that this action be dismissed.

The 30-day period has expired and plaintiff has not filed the required trust account statement or completed affidavit, nor otherwise responded to the court's order.

Accordingly, it is hereby ORDERED that the Clerk randomly assign a United States District Judge to this case.

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1 Further, it is RECOMMENDED that this action be dismissed without prejudice.

2 These findings and recommendations are submitted to the United States District Judge
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
4 after being served with these findings and recommendations, any party may file written
5 objections with the court and serve a copy on all parties. Such a document should be captioned
6 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
7 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
8 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

9 Dated: January 24, 2011.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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