

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

JACK CIVITILLO,

Plaintiff,

No. CIV S-11-1111 DAD P

vs.

CALIFORNIA DEP'T OF
CORRECTIONS, et al.,

Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____ /

By order filed May 10, 2011, plaintiff's complaint was dismissed and thirty days leave to file an amended complaint was granted. In addition, plaintiff's in forma pauperis application was incomplete and plaintiff was ordered to file a new application within thirty days. The thirty day period has now expired, and plaintiff has not filed an amended complaint and in forma pauperis application or otherwise responded to the court's order.¹

Accordingly, IT IS HEREBY ORDERED:

1. That the Clerk of the Court is directed to randomly assign a United States District Judge to this action.

¹ On June 20, 2011, the court's May 10, 2011 order was reserved on plaintiff's new address of record.

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

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

11 DATED: August 1, 2011.

12
13 
14 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

14 DAD:4
15 civil111.fta&ifp