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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY C. BONTEMPS,

Plaintiff,

v.

RON BAYNE, et al.,

Defendants.

No. 2:12-cv-2791 CKD P

ORDER AND
FINDINGS & RECOMMENDATIONS

By an order filed July 18, 2013, plaintiff was found to be a “three strikes” litigant and was ordered to pay the \$350.00 filing fee for this action within twenty-one days or face dismissal of this action. (ECF No. 24.) The twenty-one day period has now expired, and plaintiff has not responded to the court’s order or paid the filing fee. Thus the court will recommend that this action be dismissed without prejudice.¹

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¹ Defendants have late-filed a statement of consent pursuant to 28 U.S.C. § 636(c), purportedly reserving the right to withdraw consent if this case is reassigned to another magistrate judge. (ECF 27.) Section 636(c) is not a mechanism for the parties to consent to a particular magistrate judge, and consent to magistrate jurisdiction pursuant to this section may be withdrawn only upon a showing of good cause.

1 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court assign a district judge to
2 this case.

3 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

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

12 Dated: August 27, 2013

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14 _____
15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

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