

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS REED,

Plaintiff,

v.

UNKNOWN,

Defendant.

No. 2:13-cv-1811-JAM-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On October 31, 2013, the court recommended that this action be dismissed after plaintiff failed to submit a complaint and either pay the filing fee or apply for in forma pauperis status. Thereafter, plaintiff filed a complaint and a partial application to proceed in forma pauperis. In light of plaintiff's filings, the court vacated the October 31, 2013 findings and recommendations. However, the court informed plaintiff that it could not review his complaint until he filed the required affidavit in support of his request to proceed in forma pauperis. ECF No. 17. The court gave plaintiff 30 days within which to file his affidavit. The time for acting has passed, and once again, plaintiff has not filed the affidavit or otherwise responded to the court's order.

////

////

1 Accordingly, it hereby is RECOMMENDED that this action be dismissed without
2 prejudice.

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

12 DATED: March 5, 2014.

13 
14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28