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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES HAMPTON,
Plaintiff,
v.
W. WALKER, et al.,
Defendants.

No. 2:13-cv-1940-EFB P

ORDER¹ AND
FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Rule 11 of the Federal Rules of Civil Procedure requires that “[e]very pleading, written motion, and other paper . . . be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a). On September 27, 2013, the court informed plaintiff that it could not conduct the required screening of plaintiff’s complaint and that it would be disregarded because plaintiff had not signed it. *See* ECF No. 1 (Complaint); ECF No. 5 (Order). The court directed plaintiff to file a signed complaint within 30 days. ECF No. 5.

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¹ Plaintiff did not respond to the court’s order directing him to complete and return the form indicating either his consent to jurisdiction of the magistrate judge or request for reassignment to a district judge. Accordingly, the clerk will be directed to randomly assign this case to a district judge.

1 The time for acting has passed and plaintiff has not filed a signed complaint or otherwise
2 responded to the court's order. A party's failure to comply with any order or with the Local
3 Rules "may be grounds for imposition by the Court of any and all sanctions authorized by statute
4 or Rule or within the inherent power of the Court." E.D. Cal. Local Rule 110. The court may
5 recommend that an action be dismissed with or without prejudice, as appropriate, if a party
6 disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1263 (9th Cir.
7 1992) (district court did not abuse discretion in dismissing pro se plaintiff's complaint for failing
8 to obey an order to re-file an amended complaint to comply with Federal Rules of Civil
9 Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for pro se
10 plaintiff's failure to comply with local rule regarding notice of change of address affirmed).

11 Accordingly, it is hereby ORDERED that the Clerk of the Court assign a United States
12 District Judge to this action.

13 Further, it is hereby RECOMMENDED that this action be dismissed for failure to
14 prosecute. *See Fed. R. Civ. P. 41(b)*; E.D. Cal. Local Rule 110.

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

22 Dated: October 31, 2013.

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24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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