1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	ERIC A. O'DELL,	No. 2:14-cv-1130-EFB P
12	Plaintiff,	
13	V.	ORDER AND FINDINGS AND
14	VENCER, et al.,	<u>RECOMMENDATIONS</u>
15	Defendants.	
16		
17	Plaintiff is a state prisoner proceeding without counsel in an action brought under 42	
18	U.S.C. § 1983. <sup>1</sup> On May 12, 2014, the court ordered plaintiff to, within 30 days, file a completed	
19	affidavit in support of his application to proceed in forma pauperis. The court also warned	
20	plaintiff that failure to comply with the order would result in a recommendation of dismissal. The	
21	time for acting has passed and plaintiff has not filed a completed affidavit in support of his	
22	application for leave to proceed in forma pauperis, or otherwise responded to the court's order.	
23	Accordingly, it hereby is ORDERED that the Clerk of the Court randomly assign a United	
24	States District Judge to this action.	
25	/////	
26	<sup>1</sup> Plaintiff did not respond to the court's order directing him to complete and return the	
27	form indicating either his consent to jurisdict	ion of the magistrate judge or request for
28	case to a district judge. Accordingly	y, the clerk will be directed to randomly assign this
		1

Further, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. 2

1

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)(l). 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: June 18, 2014.	
13	EDMUND F. BRENNAN	
14	UNITED STATES MAGISTRATE JUDGE	
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
	2	
23 24 25 26 27	2	