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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRELL DEITLE,  
Plaintiff,  
v.  
RAFAEL MIRANDA, et al.,  
Defendants.

No. 2:14-cv-1728 AC P

FINDINGS AND RECOMMENDATIONS &  
ORDER

Plaintiff, a state prisoner who is represented by counsel, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On July 23, 2014, plaintiff filed an unsigned Application To Proceed In Forma Pauperis (“IFP”) by a Prisoner, which did not contain a certified copy of his prison trust account nor the certified institutional equivalent. On July 28, 2014, plaintiff was directed to submit a properly supported IFP application within thirty days, and cautioned that failure to do so would result in a recommendation that this action be dismissed without prejudice. ECF No. 4.

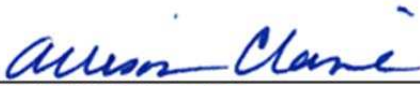
The thirty day period has now expired, and plaintiff has not responded to the court’s order and has not filed an in forma pauperis affidavit or paid the appropriate filing fee. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21)

1 days after being served with these findings and recommendations, any party may file written  
2 objections with the court and serve a copy on all parties. Such a document should be captioned  
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
4 objections shall be filed and served within fourteen days after service of the objections. The  
5 parties are advised that failure to file objections within the specified time may waive the right to  
6 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 IT IS ORDERED that the Clerk of the Court make a random assignment of a district judge  
8 to this case.

9 DATED: November 21, 2014

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11 ALLISON CLAIRE  
12 UNITED STATES MAGISTRATE JUDGE  
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