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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY BARGER,
Plaintiff,
v.
DIRECTOR CDCR,
Defendants.

No. 2:14-cv-2525 KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff Gary Barger, also known as Gary Francis Fisher, is a state prisoner proceeding without counsel. By an order filed November 12, 2014, plaintiff was ordered to submit, within twenty-one days, the appropriate filing fee in order to proceed with this action. (ECF No. 11, citing 28 U.S.C. § 1915(g).) Plaintiff was cautioned that failure to do so would result in a recommendation that this action be dismissed. The twenty-one day period has now expired, and plaintiff has not paid the appropriate filing fee or responded to the court’s order.¹

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

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¹ On December 1, 2014, plaintiff filed a certified trust account statement, along with a handwritten document complaining that prison officials have not been giving plaintiff his applications to proceed in forma pauperis. (ECF No. 12 at 3.) However, plaintiff did not address the court’s order imposing a three strikes bar under 28 U.S.C. § 1915(g).

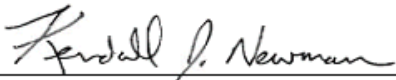
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IT IS RECOMMENDED that this action be dismissed without prejudice.

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

Dated: December 17, 2014

/barg2525.fpf


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE