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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 FRANK D. MILLS, Sr.,  
12 Petitioner,  
13 v.  
14 PEOPLE OF THE STATE OF  
15 CALIFORNIA,  
16 Respondent.

No. 2:14-cv-2638-EBF P

## ORDER AND FINDINGS AND RECOMMENDATIONS

18 Petitioner is a county prisoner proceeding without counsel without counsel seeking a writ  
19 of habeas corpus pursuant to 28 U.S.C. § 2254. On December 22, 2014, the court ordered  
20 petitioner to, within 30 days, pay the \$5.00 filing fee required by 28 U.S.C. § 1914(a) or request  
21 leave to proceed in forma pauperis and submit the affidavit and trust account statement required  
22 by 28 U.S.C. § 1915(a). That order warned petitioner that failure to comply with the order would  
23 result in a recommendation of dismissal. The time for acting has passed and petitioner has not  
24 paid the filing fee, requested leave to proceed in forma pauperis, or otherwise responded to the  
25 court’s order.

26        Accordingly, it is hereby ORDERED that the Clerk randomly assign a United States  
27        District Judge to this case.

1           Further, it is hereby RECOMMENDED that this action be dismissed without prejudice.  
2           These findings and recommendations are submitted to the United States District Judge  
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
4 after being served with these findings and recommendations, any party may file written  
5 objections with the court and serve a copy on all parties. Such a document should be captioned  
6 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the  
7 objections shall be served and filed within fourteen days after service of the objections. The  
8 parties are advised that failure to file objections within the specified time may waive the right to  
9 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
10 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

11          DATED: February 4, 2015.



12          EDMUND F. BRENNAN  
13          UNITED STATES MAGISTRATE JUDGE

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