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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. BUTLER,
Petitioner,
v.
SUPERIOR COURT OF CALIFORNIA,
COUNTY OF NEVADA,
Respondent.

No. 2:15-cv-1454-EFB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner is a county inmate proceeding without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 15, 2015, the court ordered petitioner to, within 30 days, pay the \$5.00 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed in forma pauperis and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). That order warned petitioner that failure to comply with the order would result in a recommendation of dismissal. The time for acting has passed and petitioner has not paid the filing fee, requested leave to proceed in forma pauperis, or otherwise responded to the court’s order.

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

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Further, 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 served and filed 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. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

DATED: August 31, 2015.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE