1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 BOBBY DIXON, No. 2:15-cv-1464-EFB P 12 Plaintiff. 13 ORDER AND FINDINGS AND v. RECOMMENDATIONS 14 CA MEDICAL FACILITY, 15 Defendant. 16 17 Bobby Dixon is a state prisoner proceeding without counsel. On July 15, 2015, the court 18 found that he had failed to properly file a complaint, as required by Fed. R. Civ. P. 3, and had 19 neither paid the filing fee required by 28 U.S.C. § 1914(a), or sought leave to proceed in forma pauperis and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). 20 21 Accordingly, the court ordered Mr. Dixon to submit a complaint, as well as either the filing fee or 22 a completed application to proceed in forma pauperis within thirty days and warned him that 23 failure to do so may result in this action being dismissed. The time for acting has passed and he 24 has not submitted a complaint, paid the filing fee or submitted an application for leave to proceed 25 in forma pauperis or otherwise responded to the court's order. 26 Accordingly, it is hereby ORDERED that the Clerk shall randomly assign a United States 27 District Judge to this case. 28 ///// 1

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)(l). 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: September 14, 2015.

EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE