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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY BLACKMAN,  
Plaintiff,  
v.  
K. LAVALEUR, et al.,  
Defendants.

No. 2:15-cv-1484-EFB P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Mr. Blackman is a state prisoner proceeding without counsel. On July 22, 2015, the court found that he had failed to properly commence a civil action by the filing of a complaint pursuant to Fed. R. Civ. P. 3 and further found that he had failed to pay the \$400 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). Accordingly, the court ordered plaintiff to file a complaint and submit either the filing fee or the application required by § 1915(a) within thirty days and warned him that failure to do so may result in this action being dismissed. The time for acting has passed and Mr. Blackman has not filed a complaint, paid the filing fee, submitted an application for leave to proceed in forma pauperis or otherwise responded to the court’s order.

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

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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