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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER C. GARLAND,
Plaintiff,
v.
R. J. RACKLEY, et al.,
Defendants.

No. 2:15-cv-1560 AC P

ORDER and
FINDINGS AND RECOMMENDATIONS

Plaintiff commenced this prisoner civil rights action by filing a complaint on July 21, 2015. This action is referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c). By order filed August 6, 2015, plaintiff was directed to submit an in forma pauperis application or pay the appropriate filing fee within thirty days. Plaintiff was cautioned that failure to comply with the court’s order would result in a recommendation that this action be dismissed without prejudice. See ECF No. 4.

The thirty-day period has expired and plaintiff has not responded to the court’s order. Moreover, review of the Inmate Locator Website operated by the California Department of Corrections and Rehabilitation (CDCR)¹ indicates that plaintiff may no longer be incarcerated

¹ See <http://inmatelocator.cdcr.ca.gov/> (Inmate Locator website operated by the California Department of Corrections and Rehabilitation). This Court may take judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot reasonably be (continued...)

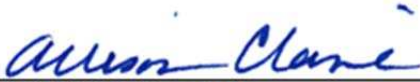
1 under the authority of CDCR.

2 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a
3 District Judge to this action.

4 In addition, IT IS HEREBY RECOMMENDED that this action be dismissed without
5 prejudice.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to this case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days
8 after service of these findings and recommendations, plaintiff may file written objections with the
9 court; such document should be captioned “Objections to Magistrate Judge’s Findings and
10 Recommendations.” Plaintiff is advised that failure to file objections within the specified time
11 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th
12 Cir. 1991).

13 DATED: September 16, 2015

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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26 questioned. Fed. R. Evid. 201; see also City of Sausalito v. O’Neill, 386 F.3d 1186, 1224 n.2 (9th
27 Cir. 2004) (“We may take judicial notice of a record of a state agency not subject to reasonable
28 dispute.”).