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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VIRGIL DOUGLAS RANDALL,
Plaintiff,
v.
WARDEN OF CALIFORNIA STATE
PRISON, SACRAMENTO,
Defendant.

No. 2:15-cv-2120 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS


Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On September 12, 2016, plaintiff was directed to complete the application form in support of his request to proceed in forma pauperis. Plaintiff filed a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915; however, the second page of the application was missing. See 28 U.S.C. § 1915(a)(2). Plaintiff was provided an opportunity to submit the completed application in support of his application to proceed in forma pauperis on November 9, 2016. (ECF No. 17.) Plaintiff was ordered to submit, within thirty days from the date of that order, a completed affidavit in support of his request to proceed in forma pauperis. (Id.) Plaintiff was warned that failure to comply with the order would result in a recommendation that this action be dismissed without prejudice. (Id.)

The thirty day deadline has long passed and plaintiff has not submitted the completed affidavit.

1 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a
2 United States District Judge to this action. IT IS HEREBY RECOMMENDED that this action
3 be dismissed without prejudice for failure to prosecute. See Local Rule 183(b).

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
6 after being served with these findings and recommendations, plaintiff may file written objections
7 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
8 and Recommendations." Any response to the objections shall be filed and served within fourteen
9 days after service of the objections. Plaintiff is advised that failure to file objections within the
10 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951

11 Dated: September 25, 2017

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14 DEBORAH BARNES
15 UNITED STATES MAGISTRATE JUDGE

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18 DB / ORDERS / ORDERS.PRISONER.CIVIL RIGHTS / rand.2120.dismiss.fr
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