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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBIN GILLEN STARR,  
Petitioner,  
v.  
UNITED STATES, et al.,  
Respondents.

No. 2:16-cv-0589 AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

By an order filed October 6, 2016, petitioner was ordered to file a completed in forma pauperis affidavit and was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has now expired, and petitioner has not responded to the court’s order and has not filed the required document.

In addition to failing to comply with the court’s October 6, 2016 order, petitioner has refused multiple mailings from the court. The October 6, 2016 order was served on petitioner’s address of record and returned by the postal service with the notation that delivery had been refused. The order was re-served on petitioner’s address of record on October 26, 2016 and has not been returned. Petitioner is informed that refusal of court orders does not obviate his responsibility to prosecute this action and comply with court orders.


In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

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IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days after being served with these findings and recommendations, petitioner may file written objections with the court. Such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Local Rule 304(d). Petitioner is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

DATED: November 15, 2016

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE