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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRYAN PATTERSON,
Plaintiff,
v.
THE CITY OF VALLEJO CALIFORNIA,
et al.,
Defendants.

No. 2:16-cv-0595 CKD P

ORDER &
FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner, commenced this action in March 2016. On March 29, 2016, the court ordered him to file a motion to proceed in forma pauperis or pay the filing fee for this action. (ECF No. 3.) Plaintiff submitted a request to proceed in forma pauperis (ECF No. 4); however, it was incomplete. On April 11, 2016, the court directed him to file “a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint and obtain[] the certification required” within thirty days, or face dismissal of this action. (ECF No. 5.) The thirty day period has now expired, and plaintiff has not submitted the required documents. Thus the undersigned will recommend that this action be dismissed without prejudice.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to issue summons (ECF No. 6) is denied; and
2. The Clerk of Court shall assign a district judge to this action.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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 filed and served 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. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: May 17, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE