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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD ROOTS,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondent.

No. 2:16-cv-1182 KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

By order filed June 2, 2016, petitioner was ordered to file an in forma pauperis affidavit or pay the appropriate filing fee within thirty days. Petitioner was warned that failure to comply with the court’s order would result in a recommendation that this action be dismissed. (ECF No. 3 at 1.) More than thirty days from that date have now passed, and petitioner has not filed an in forma pauperis affidavit, paid the filing fee, or otherwise responded to the court’s order.

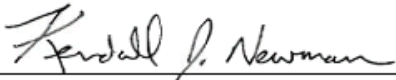
Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a District Judge to this action.

IT IS FURTHER 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, petitioner may file written

1 objections with the court. The document should be captioned “Objections to Magistrate Judge’s
2 Findings and Recommendations.” Petitioner is advised that failure to file objections within the
3 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
4 F.2d 1153 (9th Cir. 1991).

5 Dated: August 5, 2016

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7 _____
8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

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