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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH LEE WARD,
Petitioner,
v.
J. PRICE,
Respondent.

No. 2:16-cv-1406 KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner, a state prisoner, is proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 9, 2016, petitioner was ordered to pay the \$5.00 filing fee within twenty-one days. Twenty-one days have now passed, and petitioner has not paid the filing fee or otherwise responded to the court’s order. Petitioner was cautioned that failure to pay the fee will result in a recommendation that the application to proceed in forma pauperis be denied and the instant action be dismissed without prejudice.

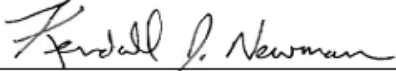
In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

IT IS RECOMMENDED that this action be dismissed without prejudice.

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 and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” If petitioner files objections,
3 he shall also address whether a certificate of appealability should issue and, if so, why and as to
4 which issues. A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the
5 applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C.
6 § 2253(c)(3). Petitioner is advised that failure to file objections within the specified time may
7 waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
8 1991).

9 Dated: September 8, 2016

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KENDALL J. NEWMAN
12 UNITED STATES MAGISTRATE JUDGE

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