

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 OBDULIO JIMINEZ,

12 Plaintiff,

13 v.

14 MICHAEL MARTEL, et al.,

15 Defendants.
16

No. 2:16-cv-2558 AC P

ORDER and

FINDINGS AND RECOMMENDATIONS

17 This prisoner civil rights action is referred to the undersigned United States Magistrate
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c).

19 On October 27, 2016, plaintiff filed a complaint and motion to proceed in forma pauperis.
20 However, plaintiff had signed neither document. By order filed October 31, 2016, this court
21 dismissed these matters and granted plaintiff leave to file, within thirty days, a new complaint and
22 motion to proceed in forma pauperis, each bearing plaintiff's dated signature. See ECF No. 4.
23 Plaintiff was informed that failure to timely comply with the court's order would result in a
24 recommendation that this action be dismissed without prejudice. Id. at 2.

25 More than thirty days have passed and plaintiff has not filed the required documents or
26 otherwise communicated with the court. Moreover, review of the Inmate Locator website
27 operated by the California Department of Corrections and Rehabilitation indicates that plaintiff is
28


1 no longer incarcerated under the authority of the CDCR.¹ For these reasons, the undersigned will
2 recommend dismissal of this action.

3 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a
4 district judge to this case.

5 Additionally, IT IS HEREBY RECOMMENDED that this action be dismissed without
6 prejudice.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)
9 days after being served with these findings and recommendations,² plaintiff may file written
10 objections with the court. Such document should be captioned "Objections to Magistrate Judge's
11 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
12 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
13 F.2d 1153 (9th Cir. 1991).

14 DATED: December 15, 2016

15 
16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24

25 ¹ See <http://inmatelocator.cdcr.ca.gov/search.aspx>. See also Fed. R. Evid. 201 (court may take
26 judicial notice of facts that are capable of accurate determination by sources whose accuracy
cannot reasonably be questioned).

27 ² Absent a timely notice of change of address, the Clerk of Court shall serve this order on
28 plaintiff at his current address of record, the California Health Care Facility. Service of
documents at a pro se party's address of record is deemed fully effective. Local Rule 182(f).