UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN DUKES,

Petitioner,

v.

WARDEN, et al.,

Respondents.

No. 2:17-cv-0541-EFB P

ORDER AND FINDINGS AND RECOMMENDATIONS

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 15, 2017, the court ordered petitioner to, within 30 days, submit either the filing fee or the application to proceed in forma pauperis required by § 1915(a). ECF No. 3. That order warned petitioner that failure to comply with the order would result in a recommendation of dismissal. The time for acting has passed and petitioner has not submitted the filing fee or an application for leave to proceed in forma pauperis.[1]

Accordingly, it is hereby ORDERED that the Clerk randomly assign this case to a United States District Judge.

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[1] Although it appears from the file that petitioner's copy of the order was returned, he was properly served. It is a party's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

Further, 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 the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). 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 served and filed 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. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

DATED: May 9, 2017.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE