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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL DeWAYNE ALLEN,  
Plaintiff,  
v.  
B. JONES, et al.,  
Defendants.

No. 2:17-cv-1144 KJN P

ORDER & FINDINGS &  
RECOMMENDATIONS

Plaintiff is a former state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On December 12, 2017, the undersigned referred this action to the Post-Screening ADR (Alternative Dispute Resolution) Project. (ECF No. 21.) The court ordered the parties to file, within thirty days, the attached notice informing the court whether they waived disqualification of the undersigned to hold the settlement conference. (Id.)

Thirty days passed from December 12, 2017, and plaintiff did not file the notice regarding the settlement judge or otherwise respond to the December 12, 2017 order. On January 12, 2018, counsel for defendants filed the notice regarding the settlement judge. (ECF No. 23.)

Accordingly, on January 18, 2018, the undersigned ordered plaintiff to show cause, within fourteen days, for his failure to respond to the December 12, 2017 order. (ECF No. 24.) The undersigned cautioned that failure to respond to the January 18, 2018 order would result in a recommendation of dismissal of this action. (Id.)


1 Fourteen days passed and plaintiff did not respond to the January 18, 2018 order.

2 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall assign a district  
3 judge to this action; and

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

6 These findings and recommendations are submitted to the United States District Judge  
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
8 after being served with these findings and recommendations, the parties may file written  
9 objections with the court and serve a copy on all parties. Such a document should be captioned  
10 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
11 within the specified time may waive the right to appeal the District Court’s order. Martinez v.  
12 Ylst, 951 F.2d 1153 (9th Cir. 1991).

13 Dated: February 15, 2018

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16 KENDALL J. NEWMAN  
17 UNITED STATES MAGISTRATE JUDGE

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