

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY C. BONTEMPS,
Plaintiff,
v.
P. SAHOTA, et al.,
Defendants.

No. 2:17-cv-01685 CKD P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. On September 1, 2017, the court ordered plaintiff to pay the \$400 filing fee for this action within 14 days. Plaintiff was warned that failing to pay the filing fee within the time permitted would result in dismissal. Plaintiff has not paid the filing fee.¹

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

////

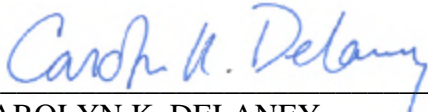
¹ This court dismissed this case on October 18, 2017 based on plaintiff's failure to pay the filing fee as plaintiff consented to magistrate judge jurisdiction on August 23, 2017. See 28 U.S.C. § 636(c). The Ninth Circuit Court of Appeal reversed that dismissal pursuant to Williams v. King, 875 F.3d 500, 503-04 (9th Cir. 2017) (holding that magistrate judges do not have the authority to dismiss an action unless all named defendants have also consented regardless of whether they have appeared in the action, been served with process, or been screened in pursuant to 28 U.S.C. § 1915A(a)).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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)(1). 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. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: May 7, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

12/bont1685.feef&r.docx