

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

DARRELL E. POLK,  
Plaintiff,  
v.  
CFMG, et al.,  
Defendants.

No. 2:17-cv-2319 KJN P  
ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is a former county jail inmate. By an order filed November 15, 2017, plaintiff was ordered to file a completed in forma pauperis affidavit and a certified copy of his prison trust account statement, or pay the court’s filing fee, and was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has now expired, and plaintiff has not responded to the court’s order and has not filed the required documents or paid the filing fee.

Although it appears from the file that plaintiff’s copy of the order was returned on November 28, 2017,<sup>1</sup> plaintiff was properly served. It is the plaintiff’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.

---

<sup>1</sup> The returned mail was marked “undeliverable, RTS -- Not in Custody.”

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

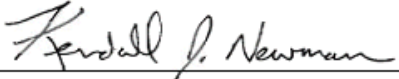
3 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

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

12 Dated: December 20, 2017

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

/polk2319.fifp

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE