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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

R. WAYNE JOHNSON,  
Plaintiff,  
v.  
CEDRICK HOPKINS, et al.,  
Defendants.

No. 2:17-cv-2351 TLN KJN P  
FINDINGS AND RECOMMENDATIONS

Plaintiff is a prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is incarcerated in Amarillo, Texas.

On January 2, 2018, plaintiff filed an application to proceed in forma pauperis. (ECF No. 5.) The section of plaintiff’s application to proceed in forma pauperis requiring certification by prison officials is not complete. Plaintiff also failed to file his six month trust account statement. On the form, plaintiff wrote, “refused...” Plaintiff also wrote, “now refusing to issue 6 month trust funds.”

On February 7, 2018, the undersigned ordered plaintiff to file additional information regarding his claims that prison officials refused to assist him in preparing his application to proceed in forma pauperis. (ECF No. 6.) The undersigned ordered plaintiff to inform the court of the names of the prison officials who refused to sign his application and who refused to provide him with his 6 month trust account statement. (Id.) Plaintiff was also ordered to inform the court

1 when he sought this information and how he requested this information. (Id.) The undersigned  
2 ordered plaintiff to submit this briefing within thirty days. (Id.)

3 Thirty days passed and plaintiff did not file the further briefing ordered by the  
4 undersigned on February 7, 2018. Instead, plaintiff filed a first amended complaint. (ECF No.  
5 8.) The first amended complaint does not address the issues discussed in the February 7, 2018  
6 order. Accordingly, the undersigned recommends that this action be dismissed for plaintiff's  
7 failure to comply with the February 7, 2018 order.

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

9 These findings and recommendations are submitted to the United States District Judge  
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
11 after being served with these findings and recommendations, plaintiff may file written objections  
12 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings  
13 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
14 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
15 (9th Cir. 1991).

16 Dated: March 22, 2018

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19 KENDALL J. NEWMAN  
20 UNITED STATES MAGISTRATE JUDGE

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