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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JOSEPH GRIMES,

12 Plaintiff,

13 v.

14 M. GROSSJAN,

15 Defendants.
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No. 2:17-cv-2394 MCE DB P

FINDINGS AND RECOMMENDATIONS

17 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42
18 U.S.C. § 1983. On November 14, 2017, plaintiff filed an application to proceed in forma
19 pauperis (“IFP”). (ECF No. 2.) However, plaintiff failed to sign the application. In an order
20 filed November 17, 2017, the court ordered plaintiff to file a signed application or pay the \$400
21 filing fee within thirty days. Plaintiff was provided a new copy of the Application to Proceed In
22 Forma Pauperis by a Prisoner. Plaintiff was warned that if he failed to comply with the
23 November 17 order, this court would recommend dismissal of this action.

24 By January 8, 2018, plaintiff had not filed a completed IFP application or the filing fee.
25 Accordingly, the court recommended this case be dismissed for plaintiff’s failure to comply with
26 court orders. (ECF No. 8.) On January 26, 2018, plaintiff filed objections to that
27 recommendation in which he explained that he had recently moved. (ECF No. 9.) In an order
28 filed February 5, 2018, the court withdrew the recommendation that this action be dismissed and


1 ordered plaintiff to file a completed and signed IFP application within thirty days. (ECF No. 10.)
2 That order was served on plaintiff at his new address.

3 Well over thirty days have passed and plaintiff has not filed the Application to Proceed in
4 Forma Pauperis or otherwise responded to the court's February 5, 2018 Order.

5 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
6 prejudice for plaintiff's failure to prosecute and comply with court orders. E.D. Cal. R. 110; Fed.
7 R. Civ. P. 41.

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

15 Dated: April 2, 2018

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19 DEBORAH BARNES
20 UNITED STATES MAGISTRATE JUDGE
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27 DLB1/prisoner-civil rights/grim2394.fr(2)
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