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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH GRIMES,  
Plaintiff,  
v.  
M. GROSSJAN,  
Defendant.

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

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint in this action on November 14, 2017. (ECF No. 1.) Also on November 14, 2017, plaintiff filed an application to proceed in forma pauperis (“IFP”). (ECF No. 2.) However, plaintiff failed to sign the application. In an order filed November 17, 2017, the court ordered plaintiff to file a signed application or pay the \$400 filing fee within thirty days. Plaintiff was provided a new copy of the Application to Proceed In Forma Pauperis by a Prisoner. Plaintiff was warned that if he failed to comply with the November 17 order, this court would recommend dismissal of this action. (ECF No. 6.)

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

1 filed February 5, 2018, the court withdrew the recommendation that this action be dismissed and  
2 ordered plaintiff to file a completed and signed IFP application within thirty days. (ECF No. 10.)  
3 That order was served on plaintiff at his new address.

4 After thirty days had passed, and plaintiff had not filed the Application to Proceed in  
5 Forma Pauperis or otherwise responded to the court's February 5, 2018 order, on April 3, 2018,  
6 the court again recommended this action be dismissed without prejudice for plaintiff's failure to  
7 prosecute and comply with court orders. (ECF No. 11.) The next day, on April 4, 2018, plaintiff  
8 filed a copy of his certified trust account statement. However, again, he did not provide a copy of  
9 the signed IFP application. On May 8, 2018, plaintiff filed a motion for an extension of time to  
10 file his application. (ECF No. 14.) In an order filed May 31, 2018, the court granted plaintiff's  
11 motion for an extension of time. (ECF No. 15.) Plaintiff was advised that he must either file a  
12 signed IFP application or pay the filing fee within thirty days if he wishes to proceed with this  
13 action. Those thirty days have passed and plaintiff has, again, failed to file a signed IFP  
14 application or otherwise respond to the court's most recent order.

15 The court is unable to screen plaintiff's complaint or otherwise allow this case to proceed  
16 until plaintiff has either paid the filing fee or submit a signed IFP application. Plaintiff has had  
17 numerous opportunities to pay the fee or file the signed application and he has failed to do so.

18 Accordingly, IT IS HEREBY RECOMMENDED that this case be dismissed for  
19 plaintiff's failure to prosecute and comply with court orders. E.D. Cal. R. 110; Fed. R. Civ. P. 41.

20 These findings and recommendations will be submitted to the United States District Judge  
21 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
22 after being served with these findings and recommendations, plaintiff may file written objections  
23 with the court. The document should be captioned "Objections to Magistrate Judge's Findings  
24 and Recommendations." Plaintiff is advised that failure to file objections within the specified

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1 time may result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951  
2 F.2d 1153 (9th Cir. 1991).

3 Dated: July 12, 2018

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6 DEBORAH BARNES  
7 UNITED STATES MAGISTRATE JUDGE  
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12 DLB1/prisoner-civil rights/grim2394.fr3  
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