

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

ANDRE ANTONIO DUPREE,
Petitioner,
v.
W. MUNIZ, Warden,
Respondent.

No. 2:17-cv-2543 AC P

ORDER and
FINDINGS AND RECOMMENDATIONS

Petitioner is a state prisoner proceeding pro se with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254, filed December 4, 2017. On December 7, 2017, this court informed petitioner that, in order to proceed with this action, he must pay the \$5.00 filing fee or submit a completed application to proceed in forma pauperis that is approved by the court. See ECF No. 3. Petitioner was provided thirty days, or until January 8, 2018, to comply with the court’s order. Petitioner was informed that failure to comply with this deadline would result in a recommendation that this action be dismissed. Id. at 1. The court’s deadline has passed but petitioner has not complied with the court’s order or otherwise communicated with the court.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a district judge to this case; and

///
///


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 14 days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is 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).

IT IS SO ORDERED.

DATED: January 17, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE