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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON HUMES,

 Plaintiff,

 v.

SACRAMENTO COUNTY JAIL,

 Defendant.

No. 2:18-cv-1265 AC P

ORDER and

FINDINGS AND RECOMMENDATIONS

Plaintiff is a Sacramento County Jail inmate proceeding pro se with a civil rights complaint filed pursuant to 42 U.S.C. § 1983. This action is referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c). By order filed May 23, 2018, plaintiff was directed to submit, within thirty days, an application to proceed in forma pauperis or to pay the full filing fee. See ECF No. 3. The court informed plaintiff that “failure to comply with this order will result in a recommendation that this action be dismissed.” Id. at 2. The court extended the time for plaintiff’s compliance by orders filed June 13, 2018 and July 11, 2018. ECF Nos. 5, 10. The most recent order set a final deadline of 14 days, or July 25, 2018. See ECF No. 10.

Plaintiff has failed to comply with the court’s July 11, 2018 order. Under some circumstances, a pro se litigant’s failure to respond to an order of the court may warrant a reminder or order to show cause. Not in this case. Plaintiff has filed more than forty pro se cases

1 in this court in less than a year; such burdening of the court requires that plaintiff be required to
2 abide by the Local and Federal Rules, and to be held accountable in responding to the court's
3 orders.

4 Plaintiff's failure to abide by an order of this court authorizes the dismissal of this action
5 under both the Local Rules and Federal Rules of Civil Procedure. Local Rule 110 provides that
6 failure to comply with court orders or rules "may be grounds for imposition of any and all
7 sanctions authorized by statute or Rule or within the inherent power of the Court." Similarly, the
8 Federal Rules of Civil Procedure authorize dismissal of an action for failure to prosecute or to
9 comply with the rules or orders of the court. See Fed. R. Civ. P. 41(b).

10 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court is directed to randomly
11 assign a district judge to this action.

12 Further, IT IS RECOMMENDED that this action be dismissed for failure to abide by an
13 order of this court. See Fed. R. Civ. P. 41(b).

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

21 DATED: August 1, 2018

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23 ALLISON CLAIRE
24 UNITED STATES MAGISTRATE JUDGE
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