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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH WAYNE MILLS,

Petitioner,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS,

Respondent.

No. 2:18-cv-1837 AC P

ORDER AND FINDINGS AND
RECOMMENDATIONS

By an order filed July 2, 2018, petitioner was ordered to file an in forma pauperis application or pay the appropriate filing fee and he was warned that failure to do so would result in a recommendation that his application be dismissed. ECF No. 3. Petitioner failed to file an application or pay the fee and was given an additional twenty-one days to comply with the July 2, 2018 order. ECF No. 4. He was warned that failure to comply would result in a recommendation that the action be dismissed, without further warning. Id. The twenty-one days have now passed and petitioner has not responded to the court's order, has not filed an in forma pauperis application, and has not paid the appropriate filing fee.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly assign a United States District Judge to this action.

IT IS FURTHER RECOMMENDED that this action be dismissed without prejudice.

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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 fourteen days after being served with these findings and recommendations, petitioner may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Petitioner 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).

DATED: September 27, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE