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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVIS RUTLEDGE,
Plaintiff,
v.
DEAN GROWDEN, et al.,
Defendants.

No. 2:18-cv-1892 MCE DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. In an order filed October 26, 2018, the court found plaintiff may no longer be incarcerated. The court ordered plaintiff to either (1) file a new motion to proceed in forma pauperis if he is no longer incarcerated; or (2) file a statement that he remains incarcerated. Plaintiff was provided thirty days to file one of those documents. He was advised that if he failed to do so, this court would recommend dismissal of this action.

The thirty days have passed and plaintiff has filed nothing in response to the court's October 26, 2018 order.

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

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These findings and recommendations will be 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, plaintiff may file written objections with the court. The 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 result in waiver of the right to appeal the district court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: December 3, 2018



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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