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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARNOLD RAY ECKLUND,  
Plaintiff,  
v.  
FOX, et al.,  
Defendants.

No. 2:18-cv-2508 AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

By order filed September 21, 2018, plaintiff was ordered to file a completed in forma pauperis application or pay the required filing fee, and was cautioned that failure to do so would result in a recommendation that this action be dismissed. ECF No. 6. Plaintiff did not file an application to proceed in forma pauperis or pay the filing fee, and instead filed a notice in which he appeared to request voluntary dismissal of his complaint. ECF No. 7. Because it was not clear whether plaintiff was attempting to dismiss this case, he was ordered to clarify for the court whether he wanted to dismiss the case or proceed. ECF No. 8. He was advised that if he did not want to dismiss this case, then he would be required to either pay the filing fee or file an application to proceed in forma pauperis within thirty days. Id. He was once again warned that failure to do so would result in a recommendation that the case be dismissed. Id. Plaintiff has not notified the court as to how he would like to proceed. He has also failed to pay the filing fee or file an application to proceed in forma pauperis and his time for doing so has passed. It will

1 therefore be recommended that this action be dismissed for failure to comply with a court order  
2 and failure to prosecute.

3 It appears that plaintiff may have been recently moved to a different institution, as the  
4 California Department of Corrections' inmate locator indicates that he is currently housed at the  
5 California Health Care Facility. The Clerk of the Court will therefore be directed to serve  
6 plaintiff at both the California Health Care Facility and his address of record.

7 In accordance with the above, IT IS HEREBY ORDERED that:

8 1. The Clerk of the Court shall randomly assign a United States District Judge to this  
9 action.

10 2. The Clerk of the Court shall serve a copy of this order and findings and  
11 recommendations on plaintiff at both his address of record and at the California Health Care  
12 Facility, P.O. Box 32050, Stockton, CA 95213.

13 IT IS FURTHER RECOMMENDED that this action be dismissed without prejudice for  
14 failure to comply with a court order and failure to prosecute.

15 These findings and recommendations are submitted to the United States District Judge  
16 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days  
17 after being served with these findings and recommendations, plaintiff may file written objections  
18 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings  
19 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
20 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
21 (9th Cir. 1991).

22 DATED: December 18, 2018

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24 ALLISON CLAIRE  
25 UNITED STATES MAGISTRATE JUDGE  
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