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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,  
  
Plaintiff,  
  
v.  
  
WARDEN, CALIFORNIA HEALTH  
CARE FACILITY (C.H.C.F.), et al.,  
  
Defendants.

No. 2:18-cv-2823 DB P  
  
ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 29, 2018, the court ordered plaintiff either to file an in forma pauperis application with this court or to submit the requisite filing fee and to do so within thirty days. (See ECF No. 3). One of these actions must be taken by plaintiff in order for this matter to be heard by this court. See 28 U.S.C. § 1915(a)(1), (b)(1). Thirty days have passed, and plaintiff has failed to do either, nor has plaintiff responded in any way to the court’s order. For these reasons, the undersigned will recommend that this matter be dismissed for failure to obey a court order. See Fed. R. Civ. P. 41(b).


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1           Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a  
2 District Judge to this matter.

3           IT IS FURTHER RECOMMENDED that this matter be DISMISSED for failure to obey a  
4 court order. See Fed. R. Civ. P. 41(b).

5           These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, plaintiff may file written objections  
8 with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings  
9 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
10 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153  
11 (9th Cir. 1991).

12 Dated: January 4, 2019

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15 DEBORAH BARNES  
16 UNITED STATES MAGISTRATE JUDGE

17 DLB:13  
18 DB/ORDERS/ORDERS.PRISONER.CIVIL RIGHTS/over2823.noifp.f&r

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