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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR FERNANDO SAMARO,  
  
  Plaintiff,  
  
  v.  
  
BARRERA,  
  
  Defendant.

No. 2:19-cv-1690 AC 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. ECF No. 1. 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 September 5, 2019, the undersigned directed plaintiff to file an application to proceed in forma pauperis within thirty days. See ECF No. 3. At that time, plaintiff was warned that failure to comply with the court’s order would result in a recommendation that this action be dismissed. See id. at 2.

More than thirty days have passed, and plaintiff has neither filed an application nor responded to the court’s order in any way. Federal Rule of Civil Procedure 41(b) and Local Rule 110 permit the sanction of dismissal of an action for failure to prosecute and/or obey a court order. See Fed. R. Civ. P. 41(b); see also L.R. 110 (E.D. Cal. 2009).

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

IT IS FURTHER RECOMMENDED that this action be DISMISSED without prejudice for failure to prosecute and for failure to obey a court order.

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 twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a 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 waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: December 3, 2019

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE