UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ROGELIO MAY RUIZ,

Plaintiff,

v.

D. WOODFILL, et al.,

Defendants.

No. 2:20-cv-0205 KJM AC P

FINDINGS and RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On February 3, 2020, the undersigned recommended that plaintiff be denied leave to proceed in forma pauperis and be required to pay the filing fee in full or have the complaint dismissed. ECF No. 4 (Findings and Recommendations). Plaintiff did not initially file any objections, and the Findings and Recommendations were adopted in full. ECF No. 8. Plaintiff then filed a motion for appointment of counsel that also sought reconsideration of the order directing him to pay the filing fee. ECF No. 9.

On April 20, after plaintiff failed to pay the filing fee, the undersigned recommended that the case be dismissed. ECF No. 11 (Findings and Recommendations). The District Judge then provided plaintiff with an additional opportunity to file objections to the February 3, 2020 Findings and Recommendations (ECF No. 12), and plaintiff proceeded to filed objections (ECF No. 15). The District Judge affirmed the previous adoption of the February 3, 2020 Findings and

Recommendations and denied plaintiff's request to proceed in forma pauperis. ECF No. 17. On July 13, 2020, the undersigned vacated the April 20, 2020 Findings and Recommendations (ECF No. 11), and provided plaintiff with an additional thirty days to pay the requisite filing fee. ECF No. 18. The order stated that plaintiff's failure to comply with this order and pay the fee would result in a recommendation that this case be dismissed. Id.

Plaintiff has not paid the filing fee. Accordingly, it is HEREBY RECOMMENDED that this action be dismissed without prejudice.

It is further recommended that plaintiff's motions for appointment of counsel, interpreter, requests to proceed in forma pauperis, and to remove the assigned magistrate judge (ECF Nos. 22, 24), be DENIED as moot.

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)(l). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. 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: November 2, 2020

Allison Claire

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE