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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID JAVIER JAIMES,
Petitioner,
v.
UNKNOWN,
Respondent.

No. 2:21-cv-00237 DB P

ORDER

Petitioner, a state prisoner at Pelican Bay State Prison, filed an unsigned Petition for Writ of Habeas Corpus on February 8, 2021. (ECF No. 1.) Petitioner did not pay the required filing fee or submit an application to proceed in forma pauperis.

On February 19, 2021, the court ordered petitioner to refile a signed petition as well as either pay the required filing fee or submit an application to proceed in forma pauperis. (ECF No. 3.) Petitioner was given thirty days from the date of the court’s order to refile a petition and filing fee or application to proceed in forma pauperis. (Id.) Those thirty days have passed. Petitioner has not filed a signed habeas petition, paid the filing fee, submitted an application to proceed in forma pauperis, requested an extension of time, or otherwise responded to the court’s order. Accordingly, the court will recommend that this action be dismissed for failure to prosecute and failure to comply with court orders.

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1 For the reasons state above, the Clerk of the Court is ORDERED to randomly assign a
2 district judge to this action.

3 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
4 Local Rule 110; 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 thirty days after
7 being served with these findings and recommendations, plaintiff may file written objections with
8 the court and serve a copy on all parties. Such a document should be captioned
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
10 failure to file objections within the specified time may waive the right to appeal the District
11 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: June 4, 2021

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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE
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22 DB:14
23 DB:1/Prisoner/Habeas /R/jaim0237.fr.dism
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