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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 MICHAEL L. OVERTON,  
12 Plaintiff,  
13 v.  
14 CALIFORNIA BOARD OF PRISON  
15 HEARINGS, et al.,  
Defendants.

No. 2:21-cv-0970 AC

## ORDER AND FINDINGS AND RECOMMENDATIONS

18 On June 9, 2021, plaintiff was sent and ordered to file a completed in forma pauperis  
19 affidavit within thirty days, and he was cautioned that failure to do so would result in a  
20 recommendation that this action be dismissed. ECF No. 3. The thirty-day period has now  
21 expired, and plaintiff has not filed the document, nor has he responded to the court's order in any  
22 way.

23 In accordance with the above, IT IS HEREBY ORDERED that the Clerk of Court is  
24 directed to randomly assign a District Judge to this action, and

25 IT IS FURTHER RECOMMENDED that this action be DISMISSED without prejudice.

26 These findings and recommendations are submitted to the United States District Judge  
27 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days  
28 after being served with these findings and recommendations, plaintiff may file written objections

1 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings  
2 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
3 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
4 (9th Cir. 1991).

5 DATED: July 19, 2021

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7 ALLISON CLAIRE  
8 UNITED STATES MAGISTRATE JUDGE

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