

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGIA MILES,

Plaintiff,

v.

DAVID ASHBY, et al.,

Defendants.

No. 2:22-cv-01918 TLN AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). On October 25, 2022, plaintiff filed a complaint and motion to proceed in forma pauperis (IFP). ECF Nos. 1, 2. The court denied the motion to proceed IFP without prejudice because it was deficient, and instructed plaintiff to file a new application by November 14, 2022. ECF No. 3. Plaintiff was cautioned that failure to timely file a new IFP application would result in a recommendation that the case be dismissed for failure to prosecute. Id. Plaintiff did not file a new IFP application, and the court concludes this case has been abandoned.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R. Civ. P. 41(b); Local Rule 110.

These findings and recommendations are submitted to the United States District Judge

1 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one
2 (21) days after being served with these findings and recommendations, plaintiff may file written
3 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s
4 Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file
5 objections within the specified time may waive the right to appeal the District Court’s order.
6 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 DATED: November 16, 2022

8 
9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28