

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

CARY LEE PETERSON,  
  
Plaintiff,  
  
v.  
  
ALAMEDA COUNTY SHERIFF'S  
DEP'T, et al.,  
  
Defendants.

No. 2:23-cv-00218-EFB (PC)

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is a county jail inmate proceeding without counsel in an action brought under 42 U.S.C. § 1983. On March 7, 2023, the court found that plaintiff had failed to submit a certified trust account statement in support of his application for leave to proceed in forma pauperis. ECF No. 6. Accordingly, the court directed plaintiff to submit the certified trust account statement required by 28 U.S.C. § 1915(a)(2) within thirty days. *Id.* The court also warned plaintiff that failure to do so would result in this action being dismissed. *Id.* The time for acting has now passed and plaintiff has not paid the filing fee, submitted the required trust account statement, or otherwise responded to the court's order.<sup>1</sup>

////


<sup>1</sup> Although it appears from the file that plaintiff's copy of the findings and recommendations was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1           Accordingly, it is hereby ORDERED that the Clerk of the Court randomly assign a United  
2 States District Judge to this case.

3           Further, it is hereby RECOMMENDED that this action be dismissed without prejudice.

4           These findings and recommendations are submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
6 after being served with these findings and recommendations, any party may file written  
7 objections with the court and serve a copy on all parties. Such a document should be captioned  
8 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
9 objections shall be served and filed within fourteen days after service of the objections. The  
10 parties are advised that failure to file objections within the specified time may waive the right to  
11 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
12 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

13  
14 Dated: April 14, 2023.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28