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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN I	DISTRICT OF CALIFORNIA
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11	JOHN DUNN,	No. 2:23-cv-0309 KJN P
12	Plaintiff,	
13	v.	ORDER AND FINDINGS AND RECOMMENDATIONS
14	OFFICER F. RODRIGUEZ,	
15	Defendants.	
16		
17	Plaintiff is a state prisoner, proceeding	pro se.
18	In Forma Pauperis Request	
19	Plaintiff requested leave to proceed in	forma pauperis pursuant to 28 U.S.C. § 1915.
20	Plaintiff submitted a declaration that makes th	e showing required by 28 U.S.C. § 1915(a).
21	Accordingly, the request to proceed in forma p	pauperis is granted.
22	Plaintiff is required to pay the statutory	y filing fee of \$350.00 for this action. 28 U.S.C.
23	§§ 1914(a), 1915(b)(1). By this order, plaintif	ff is assessed an initial partial filing fee in
24	accordance with the provisions of 28 U.S.C. §	1915(b)(1). By separate order, the court will direct
25	the appropriate agency to collect the initial partial filing fee from plaintiff's trust account and	
26	forward it to the Clerk of the Court. Thereafte	er, plaintiff is obligated to make monthly payments
27	of twenty percent of the preceding month's inc	come credited to plaintiff's trust account. These
28	payments will be forwarded by the appropriate	e agency to the Clerk of the Court each time the
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1	amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C.	
2	§ 1915(b)(2).	
3	Failure to Amend	
4	By order filed April 24, 2023, plaintiff's complaint was dismissed, and thirty days leave to	
5	file an amended complaint was granted. On August 31, 2023, plaintiff's request for	
6	reconsideration was granted, the undersigned affirmed the screening order, and plaintiff was	
7	granted an additional thirty days to file an amended complaint. Plaintiff sought another	
8	extension, and on October 11, 2023, plaintiff was granted an additional thirty days in which to file	
9	an amended complaint. Thirty days from that date have expired, and plaintiff has not filed an	
10	amended complaint or otherwise responded to the court's order.	
11	In accordance with the above, IT IS HEREBY ORDERED that:	
12	1. Plaintiff's request for leave to proceed in forma pauperis is granted.	
13	2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. Plaintiff	
14	is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C.	
15	§ 1915(b)(1). All fees shall be collected and paid in accordance with this court's order to the	
16	Director of the California Department of Corrections and Rehabilitation filed concurrently	
17	herewith.	
18	3. The Clerk is directed to assign a district judge to this case.	
19	Further, IT IS RECOMMENDED that this action be dismissed without prejudice. See	
20	Local Rule 110; Fed. R. Civ. P. 41(b).	
21	These findings and recommendations are submitted to the United States District Judge	
22	assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days	
23	after being served with these findings and recommendations, plaintiff may file written objections	
24	with the court. The document should be captioned "Objections to Magistrate Judge's Findings	
25	and Recommendations." Plaintiff is advised that failure to file objections within the specified	
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1	time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
2	(9th Cir. 1991).
3	Dated: December 29, 2023
4	dunn0309.fta.ext Hendell R. Nowman
5	KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE
6	UNITED STATES MADISTRATE JUDGE
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