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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,
Plaintiff,
v.
C.E.O., et al.,
Defendants.

No. 2:23-cv-0334 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action under 42 U.S.C. § 1983. Plaintiff did not, however, file a motion to proceed in forma pauperis or pay the filing fee. In an order filed March 8, 2023, plaintiff was ordered to either file a motion to proceed in forma pauperis or pay the filing fee within thirty days. Plaintiff was warned that if he failed to comply with the March 8 order, this court would recommend this case be dismissed.

Thirty days have passed and plaintiff has not filed a motion to proceed in forma pauperis or paid the filing fee.

Accordingly, the Clerk of the Court is HEREBY ORDERED to randomly assign a district judge to this case; and

IT IS RECOMMENDED that this case be dismissed without prejudice for plaintiff's failure to prosecute and failure to comply with court orders. See Fed. R. Civ. P. 41; E.D. Cal. R. 110.

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These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge's Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may result in waiver of the right to appeal the district court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: May 4, 2023



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DB Prisoner Inbox/Civil Rights/R/over0334.fta fr