UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCISCO RIVERA-ALMODOVAR, Petitioner, v. WARDEN, FCI HERLONG, Respondents.	No. 2:23-cv-0644 CKD P ORDER AND FINDINGS AND RECOMMENDATIONS

On April 21, 2023, petitioner was ordered to file a new application to proceed in forma pauperis or pay the filing fee within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty-day period has now expired, and petitioner has not responded to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case and IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days after being served with these findings and recommendations, petitioner may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Petitioner is advised that failure to file objections within the

specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: June 8, 2023

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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