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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGIA MILES,

Plaintiff,

v.

PHILLIPA LAURSEN, et al.,

Defendants.

No. 2:23-cv-0663 KJM AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. For the reasons stated below, the undersigned will recommend that this matter be dismissed.

I. RELEVANT PROCEDURAL HISTORY

On May 16, 2023, plaintiff was ordered to file a completed in forma pauperis affidavit and to do so within thirty days. ECF No. 11. At that time, plaintiff was sent a copy of the court’s in forma pauperis form, and she was cautioned that failure to comply with the court’s order would result in a recommendation that this matter be dismissed without prejudice. Id.

Since then, plaintiff has requested and has been sent two sets of complaint forms, two more sets of in forma pauperis forms, and two sets of prisoner complaint packets. See ECF Nos. 12, 13 (court responses to plaintiff’s requests for forms in June 2023). Despite this fact, plaintiff

1 has not filed the in forma pauperis application that is required before the case can proceed.
2 Instead, plaintiff now requests additional prisoner and non-prisoner forms for other inmates as
3 well as a list of all her cases. See ECF No. 14-1 at 2. In addition, the in forma pauperis
4 application that is attached to the filing is incomplete, and it is covered with disjointed and
5 unintelligible statements. Id. at 5-6.

6 II. DISCUSSION

7 “A part of the Court’s responsibility is to see that [its] resources are allocated in a way that
8 promotes the interests of justice.” Day v. Day, 510 U.S. 1, 2 (1993) (brackets added) (citation
9 omitted). “[T]he goal of fairly dispensing justice . . . is compromised when the Court is forced to
10 devote its limited resources to the processing of frivolous and repetitious requests.” Whitaker v.
11 Superior Court of San Francisco, 514 U.S. 208, 210 (1994) (brackets added) (citation omitted).

12 Plaintiff has been given ample opportunity and much more than thirty days to complete
13 and file a proper in forma pauperis application. Despite this fact, she has failed to do so. To
14 allow plaintiff additional opportunities to attempt to file a proper in forma pauperis application
15 would not be the best use of limited judicial resources. Plaintiff has been told that failure to
16 submit a properly completed application would result in a recommendation of dismissal without
17 prejudice. ECF No. 11 at 2. Therefore, it will be recommended that this matter be dismissed for
18 failure to file a proper in forma pauperis application.

19 Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED without
20 prejudice for failure to file an in forma pauperis application. See 28 U.S.C. § 1915(a)(1)-(2).

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. Such a document should be captioned “Objections to Magistrate Judge’s Findings
25 and Recommendations.” Plaintiff is advised that failure to file objections within the specified

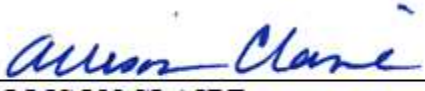
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1 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
2 (9th Cir. 1991).

3 DATED: July 25, 2023

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5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE
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