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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT ANTHONY TAYLOR,
Petitioner,
v.
KERN STATE PRISON,
Respondent.

No. 2:24-cv-1719-SCR P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner, a state prisoner, filed a petition for writ of habeas corpus challenging his January 2024 conviction which is currently on appeal to the California Court of Appeal. (ECF No. 1.) Petitioner asserts delay in the appeal proceeding and other issues. (Id. at 1-2.)

A filing fee of \$5.00 is required to commence a habeas corpus action in federal district court. 28 U.S.C. § 1914(a). The court may authorize the commencement of an action “without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor.” 28 U.S.C. § 1915(a).

In an order filed on September 3, 2024, petitioner was ordered to submit an affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee. Petitioner was cautioned that failure to do so would result in a recommendation that this action be dismissed. The time period granted has expired and petitioner has not paid the fee, filed the required documents, or otherwise responded to the court’s order.

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For the reasons set forth above, IT IS ORDERED that the Clerk of the Court assign a district judge to this case; and

IT IS RECOMMENDED 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)(1). Within 21 days after being served with these findings and recommendations, petitioner may file written objections with the court and serve a copy on all parties. Such a 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: October 25, 2024


SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE