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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JEFFREY WILLIAM REED,

Plaintiff,

vs.

STATE OF NEVADA, et al.

Defendant.

Case No. 2:07-cv-01422-RLH-PAL

**REPORT OF FINDINGS AND  
RECOMMENDATION**

This matter is before the court on Plaintiff Jeffrey William Reed’s failure to comply with this court’s Orders (Dkt. #3) entered on October 27, 2008 and January 9, 2009, requiring him to file an application to proceed *in forma pauperis* or pay the requisite filing fee. Having reviewed and considered the matter, the court makes the following findings:

1. Plaintiff filed a Complaint (Dkt. #1) pursuant to 42 U.S.C. § 1983 on October 24, 2007 and is proceeding in this action *pro se*.
2. Plaintiff did not pay the required filing fee of \$350.00 or file an application to proceed *in forma pauperis* in compliance with 28 U.S.C. § 1915(a)(1) and (2) and LSR 1-1 and 1-2.
3. The court entered an Order (Dkt. #3) on October 27, 2008: (a) directing the Clerk of Court to mail a blank application form for *pro se* litigants who are not incarcerated to Plaintiff; and (b) directing the Plaintiff to file an application to proceed *in forma pauperis* or submit a \$350.00 filing fee.
4. The Order warned Plaintiff that “[f]ailure to comply will result in a recommendation to the District Judge for dismissal of this action.” *Id.*
5. On January 9, 2009, the court entered an Order (Dkt. #9): (a) directing the Clerk of Court to mail a blank application form for *pro se* litigants who are incarcerated to Plaintiff at the

1 Clark County Detention Center because Plaintiff stated that he was incarcerated there in  
2 the Complaint; and (b) directing the Plaintiff to file an application to proceed *in forma*  
3 *pauperis* or submit a \$350.00 filing fee.

4 6. The Order warned Plaintiff that “[f]ailure to comply will result in a recommendation to  
5 the District Judge for dismissal of this action.”

6 7. A review of the court’s docket reflects that Plaintiff has not complied with the court’s  
7 Order or requested an extension of time to do so.

8 8. Plaintiff’s willful failure to comply with the court’s Orders has interfered with the court’s  
9 ability to hear this case, delayed litigation, disrupted the court’s timely management of its  
10 docket, wasted judicial resources, and threatened the integrity of the court’s orders and  
11 the orderly administration of justice. Sanctions less drastic than dismissal are unavailable  
12 because Plaintiff has wilfully refused to comply with multiple court Orders.

13 Based on the foregoing,

14 **IT IS RECOMMENDED** that this case be **DISMISSED**.

15 Dated this 20th day of February, 2009.

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18 PEGGY A. LEEN  
19 UNITED STATES MAGISTRATE JUDGE

20 **NOTICE**

21 These findings and recommendations are submitted to the United States District Judge assigned  
22 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served with  
23 these findings and recommendations, any party may file written objections with the court. Pursuant to  
24 Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations  
25 of a magistrate judge shall file and serve *specific written objections* together with points and authorities  
26 in support of those objections, within ten (10) days of the date of service of the findings and  
27 recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and  
28 Recommendations.” The parties are advised that failure to file objections within the specified time may

1 waive the right to appeal the District Court's Order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).  
2 The points and authorities filed in support of the specific written objections are subject to the page  
3 limitations found in LR 7-4.

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