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## **UNITED STATES DISTRICT COURT** DISTRICT OF NEVADA

ORLANDO NELSON, et al.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA, et al., Defendants.

Case No. 2:15-cv-00724-RCJ-CWH **REPORT & RECOMMENDATION** 

On April 20, 2015, the court received a letter (ECF No. 1) from Plaintiff Orlando Nelson in 12 which Plaintiff requested the Court's assistance regarding violations of Plaintiff's constitutional 13 14 rights. However, Plaintiff did not file a complaint or pay a filing fee. On September 23, 2015, the 15 court entered an order (ECF No. 2) requiring Plaintiff to file a complaint, along with the applicable filing fee or an application to proceed *in forma pauperis*, within 30 days of the date of the court's 16 17 order. The court advised Plaintiff that absent a complaint, the court lacked jurisdiction to act on 18 any of Plaintiff's requests. (Id. at 1.) The court further advised Plaintiff that failure to comply with 19 the court's order would result in a recommendation that his case be dismissed. (*Id.* at 2.) To date, 20 Plaintiff has not filed a complaint or submitted a filing fee or an application to proceed in forma pauperis. Given Plaintiffs' failure to take these steps, the undersigned will recommend that 22 Plaintiff's case be dismissed, without prejudice.

## RECOMMENDATION

IT IS THEREFORE RECOMMENDED that Plaintiff Orlando Nelson's case be dismissed, without prejudice.

## NOTICE

This Report and Recommendation is submitted to the United States District Judge assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this Report and Recommendation may file a written objection supported by points and authorities within fourteen days of being served with this Report and Recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

DATED: November 9, 2015

C.W. Hoffman, Jr. United States Magistrate Judge