

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Connor v. CDC

Connor · No. 2:24-cv-3495 AC P · Decided March 24, 2025

SUMMARY

The court recommends dismissal without prejudice of Thyrone Connor’s action against the CDC because he failed to file an in forma pauperis application, provide a certified prison trust account statement, pay the filing fee, or otherwise respond to court orders. The findings and recommendations advise that objections may be filed within fourteen days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 24, 2025
DOCKET	2:24-cv-3495 AC P
DISPOSITION	other
PROCEDURAL POSTURE	A magistrate judge issued findings and recommendations that the action be dismissed without prejudice after plaintiff failed to submit a completed in forma pauperis application, provide a certified prison trust account statement, pay the filing fee, or respond to court orders.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Thyrone Connor v. CDC

TOPICS

- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because plaintiff failed to comply with orders requiring an in forma pauperis application, a certified prison trust account statement, or payment of the filing fee.

KEY QUOTATIONS

“IT IS FURTHER RECOMMENDED that this action be dismissed without prejudice.” (at 1)

FACTUAL BACKGROUND

Plaintiff was required to submit a completed in forma pauperis application and a certified copy of his prison trust account statement or pay the filing fee. He failed to submit the required application or statement and did not pay the filing fee. He also failed to respond after receiving an additional twenty-one-day period and a further warning that the action could be dismissed.

PROCEDURAL HISTORY

On December 20, 2024, the court ordered plaintiff to file a completed in forma pauperis application and a certified prison trust account statement and warned that noncompliance could lead to dismissal. After plaintiff failed to comply, the court granted an additional twenty-one days and issued another warning. Plaintiff still did not comply, so the magistrate judge recommended dismissal without prejudice and advised plaintiff of the fourteen-day objection period under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Connor v. CDC

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 THYRONE CONNOR, No. 2:24-cv-3495 AC P

12 Plaintiff,

ORDER

13 v.

14 CDC,

15 Defendant. 16

17 On December 20, 2024, plaintiff was ordered to file a completed in forma pauperis 18
application and a certified copy of his prison trust account statement and was cautioned that 19
failure to do so would result in a recommendation that this action be dismissed. ECF No. 3. 20
After plaintiff failed to file a completed application or pay the fee, he was given an additional 21
twenty-one days to comply and warned that failure to comply would result in a recommendation
22 that this action be dismissed without further warning. ECF No. 6. The twenty-one-day period
23 has now expired, and plaintiff has not filed an application to proceed in forma pauperis, paid
the 24 filing fee, or otherwise responded to the court's orders. 25 In accordance with the above, IT
IS HEREBY ORDERED that the Clerk of the Court is 26 directed to assign a district judge to this
case; and 27 IT IS FURTHER RECOMMENDED that this action be dismissed without prejudice.
28 These findings and recommendations are submitted to the United States District Judge 1 ||
assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 2 ||
after being served with these findings and recommendations, plaintiff may file written objections 3
|| with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings
4 | and Recommendations." Plaintiff is advised that failure to file objections within the specified 5
|| time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 6 |
(9th Cir. 1991). 7 || DATED: March 21, 2025 8 ~ 9 Htttenr— Lhor—e_
ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
11] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28