

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Singh v. CDCR

Singh · No. 2:24-cv-3294-SCR · Decided June 3, 2025

SUMMARY

The court recommends dismissing Raghvendra Singh’s action against CDCR and other defendants without prejudice because he failed to file an application to proceed in forma pauperis or pay the filing fee. The magistrate judge also ordered the clerk to randomly assign a district judge and advised Singh of the deadline and consequences for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 3, 2025
DOCKET	2:24-cv-3294-SCR
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner plaintiff failed to file a completed application to proceed in forma pauperis or pay the filing fee after being ordered to do so. The magistrate judge issued findings and recommendations that the action be dismissed without prejudice and advised plaintiff of the procedure for filing objections.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Raghvendra Singh v. CDCR, et al.

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because plaintiff failed to comply with the order requiring him to submit an in forma pauperis application or pay the filing fee.

HOLDINGS

1. The magistrate judge recommended that the action be dismissed without prejudice because plaintiff failed to file the required in forma pauperis application or pay the filing fee after being ordered to do so.

KEY QUOTATIONS

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

“Within twenty one days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties.” (at 1)

FACTUAL BACKGROUND

The court had ordered Raghvendra Singh to file a completed application to proceed in forma pauperis or pay the filing fee. Singh did neither within the ordered twenty-one-day period, despite being warned that noncompliance would lead to a recommendation of dismissal.

PROCEDURAL HISTORY

On December 11, 2024, the court ordered plaintiff to submit a completed in forma pauperis application or pay the filing fee and warned that failure to comply would result in a recommendation of dismissal. After the twenty-one-day period expired without compliance, the magistrate judge recommended dismissal without prejudice and directed assignment of a district judge. Plaintiff was given twenty-one days to object under 28 U.S.C. § 636(b) (1).

DISPOSITION

other

CASES CITED

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

OPINION

(PC) Singh v. CDCR

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 RAGHVENDRA SINGH, No. 2:24-cv-3294-SCR

12 Plaintiff,

13 v. ORDER AND FINDINGS AND
RECOMMENDATIONS

14 CDCR, et al., 15 Defendants. 16 17 By an order filed December 11, 2024, plaintiff was ordered to file a completed application 18 to proceed in forma pauperis or to pay the filing fee in this action. He was cautioned that failure 19 to do so would result in a recommendation that this action be dismissed. The twenty one day 20 period has expired, and plaintiff has not responded to the court's order by filing the required 21 document or by paying the filing fee. 22 In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is 23 directed to randomly assign a district judge to this case; and 24 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. 25 These findings and recommendations are submitted to the United States District Judge 26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days 27 after being served with these findings and recommendations, plaintiff may file written objections 28 with the court and serve a copy on all parties. Such a document should be captioned 1 | "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that 2 || failure to file objections within the specified time may waive the right to appeal the District 3 || Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). 4 | DATED: June 2, 2025 5 ' .

7 SEAN C. RIORDAN

UNITED STATES MAGISTRATE JUDGE

10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28