

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Virgil Douglas Randall v. Unknown

Randall v. Unknown · No. 2:25-cv-0915 SCR P · Decided June 25, 2025

OPINION

(PC) Randall v. Unknown

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 VIRGIL DOUGLAS RANDALL, No. 2:25-cv-0915 SCR P

12 Plaintiff,

13 v. FINDINGS & RECOMMENDATIONS

14 UNKNOWN,

15 Defendant. 16

17 Plaintiff, a state prisoner at California Substance Abuse Treatment Facility, filed a letter 18
regarding assaults and dangerous living conditions. (ECF No. 1.) On April 2, 2025, the 19
undersigned granted plaintiff 30 days to file a complaint as required by Rule 3 of the Federal 20
Rules of Civil Procedure and either pay the required filing fee or file an application requesting 21
leave to proceed in forma pauperis. (ECF No. 3.) Plaintiff did not respond. On May 20, 2025, 22
the undersigned issued an order to show cause within 21 days why the action should not be 23
dismissed for failure to pay the filing fee and comply with the court’s order. (ECF No. 4.) 24 More
than 21 days have passed, and plaintiff has not responded to the order to show 25 cause.
Accordingly, the undersigned recommends that the action be dismissed for failure to pay 26 the
filing fee and failure to comply with the court’s order. See *Olivares v. Marshall*, 59 F.3d 109, 27
112 (9th Cir. 1995) (affirming dismissal for failure to pay partial filing fee under IFP statute); 28
Local Rule 110 (failure to comply with court orders).] In recommending this action be dismissed,
the court has considered “(1) the public’s 2 || interest in expeditious resolution of litigation; (2) the
court’s need to manage its docket; (3) the 3 || risk of prejudice to the defendants; (4) the public
policy favoring disposition of cases on their 4 | merits; and (5) the availability of less drastic
alternatives.” *Ferdik v. Bonzelet*, 963 F.2d 1258, 5 || 1260-61 (9th Cir. 1992) (citation omitted).
The court finds dismissal appropriate here where 6 || plaintiff has received multiple opportunities
to file the required case initiating documents and has 7 || been warned that his failure to do so will
result in dismissal. 8 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall

assign a district 9 || judge to this case; and 10 IT IS RECOMMENDED that this action be dismissed without prejudice for failure to pay 11 | the filing fee and failure to comply with the court's order. 12 These findings and recommendations are submitted to the United States District Judge 13 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days 14 | after being served with these findings and recommendations, plaintiff may file written objections 15 | with the court and serve a copy on all parties. Such a document should be captioned "Objections 16 | to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file 17 || objections within the specified time may waive the right to appeal the District Court's order. 18 | Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 19 | DATED: June 24, 2025 Kink 21

SEAN C. RIORDAN

UNITED STATES MAGISTRATE JUDGE

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