

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

Anthony Lee Allen, Jr. v. Daneile Cuevo, et al.

No. 2:24-cv-02989-EFB (PC) · No. No. 2:24-cv-02989-EFB (PC) · Decided March 27, 2025

SUMMARY

The court found that plaintiff Anthony Lee Allen, Jr. was disqualified from proceeding in forma pauperis under the three-strikes provision of 28 U.S.C. § 1915(g). After plaintiff failed to pay the filing fee or respond to the court's order, the magistrate judge recommended dismissal without prejudice for failure to pay the fee. The order also directed the clerk to randomly assign a district judge and advised the parties regarding objections.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ANTHONY LEE ALLEN, JR., No. 2:24-cv-02989-EFB (PC) 12 Plaintiff,
13 v. ORDER AND FINDINGS AND RECOMMENDATIONS 14 DANEILE CUEVO, et al., 15
Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se in this action brought pursuant to
42 U.S.C. § 18 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28
U.S.C. 19 § 636(b)(1).

20 On January 23, 2025, the court found that plaintiff was not qualified to proceed in forma 21
pauperis in this action due to having “three strikes” under 28 U.S.C. § 1915(g). ECF No. 18. The
22 court ordered plaintiff to pay the filing fee within 21 days. Plaintiff has not paid the fee or 23
otherwise responded to the order. 24 Accordingly, it is hereby ORDERED that the Clerk of Court
randomly assign a district 25 judge to this action.

It is further RECOMMENDED that the case be dismissed without prejudice 26 for failure to pay
the filing fee. 27 //// 28 ////] These findings and recommendations are submitted to the United
States District Judge 2 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).
Within fourteen days 3 || after being served with these findings and recommendations, any party
may file written 4 || objections with the court and serve a copy on all parties.

Such a document should be captioned 5 || “Objections to Magistrate Judge’s Findings and
Recommendations.” Any response to the 6 || objections shall be served and filed within fourteen
days after service of the objections.

The 7 || parties are advised that failure to file objections within the specified time may waive the
right to 8 | appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998);

Martinez 9 || v. Yist, 951 F.2d 1153 (9th Cir. 1991). 10 11 | Dated: March 26, 2025 Duta SEZ 12
UNITED STATES MAGISTRATE JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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