

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jayson Thorn v. Sac Jail

Thorn v. Sac Jail · No. 2:23-cv-0069-CKD P · Decided March 8, 2023

SUMMARY

The court recommends dismissal without prejudice under Federal Rule of Civil Procedure 41(b) because the plaintiff failed to submit a completed in forma pauperis application within the ordered time. The document also orders random assignment of the matter to a district judge and advises the parties regarding objections to the findings and recommendations.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 8, 2023
DOCKET	2:23-cv-0069-CKD P
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner civil-rights action was referred to a magistrate judge, who issued findings and recommendations after the plaintiff failed to comply with an order requiring a completed in forma pauperis application.
PRECEDENTIAL VALUE	unpublished and nonprecedential magistrate judge findings and recommendations

TOPICS

civil procedure

PRACTICE AREAS

prisoner civil rights

federal civil procedure

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because plaintiff failed to comply with the court's order.

HOLDINGS

1. The magistrate judge recommended that the action be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because plaintiff failed to file the required in forma pauperis application or otherwise respond to the court's order.

KEY QUOTATIONS

"The thirty day period has now expired, and plaintiff has not responded to the court's order." (at 1)

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

FACTUAL BACKGROUND

The court had ordered Jayson Thorn to submit a completed in forma pauperis application within thirty days. The order warned that failure to comply would lead to a recommendation that the action be dismissed. Thorn did not respond within the allotted period.

PROCEDURAL HISTORY

On January 18, 2023, the court ordered plaintiff to file a completed in forma pauperis application within thirty days and warned that noncompliance would result in a recommendation of dismissal. The deadline expired without a response. The magistrate judge recommended dismissal without prejudice and ordered the Clerk to randomly assign the matter to a district judge; the parties were permitted to file objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

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