

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dreves v. McGarva

Dreves · No. 2:23-cv-0044 CKD P · Decided March 13, 2023

SUMMARY

The court recommends dismissing the action without prejudice because plaintiff failed to submit a certified jail trust account statement as required by a prior order. The magistrate judge also directed the clerk to assign a district judge and advised plaintiff of the deadline and consequences for filing objections.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DAVID CODY DREVES, No. 2:23-cv-0044 CKD P 12 Plaintiff, 13 v.
ORDER AND 14 JOHN MCGARVA, FINDINGS AND RECOMMENDATIONS 15 Defendant.
16 17 On January 26, 2023, the court ordered that plaintiff, within 30 days, submit a certified 18
copy of his jail trust account statement for the six-month period immediately preceding the filing
19 of his complaint.

Plaintiff was warned that failure to so would result in a recommendation that 20 this action be
dismissed without prejudice. Plaintiff has not complied with the January 26, 2023 21 order. 22
Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district 23 court
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)(l). Within fourteen days 27
after being served with these findings and recommendations, plaintiff may file written objections
28 with the court.

The document should be captioned “Objections to Magistrate Judge’s Findings 1 | and
Recommendations.” Plaintiff is advised that failure to file objections within the specified 2 || time
waives the right to appeal the District Court’s order. Martinez v. YIst, 951 F.2d 1153 (9th 3 || Cir.
1991). 4 | Dated: March 13, 2023 Card ke yy a 5 CAROLYN K DELANEY? 6 UNITED STATES
MAGISTRATE JUDGE 7 8 9} 1 10 drev0044.fis 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25
26 27 28

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