

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Richard D. Casity v. Monivirin Son, et al.

Casity v. Son · No. 2:22-cv-1983 TLN AC P · Decided March 8, 2023

SUMMARY

A magistrate judge recommends dismissal without prejudice because the plaintiff failed to file a properly completed in forma pauperis application or pay the filing fee after multiple opportunities to do so. The findings and recommendations advise the plaintiff of the fourteen-day period for filing objections and the potential waiver of appellate rights.

OPINION

(PC) Casity v. Son

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 RICHARD D. CASITY, No. 2:22-cv-1983 TLN AC P

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 MONIVIRIN SON, et al., 15 Defendants. 16 17 On January 24, 2023, plaintiff was ordered to
file a completed in forma pauperis affidavit, 18 and he was given thirty days to do so. ECF No. 11.
This was the third time plaintiff had been 19 ordered to file a properly completed in forma
pauperis application. See ECF Nos. 4, 8, 11. With 20 each order, he was sent a new in forma
pauperis application. See id. 21 The thirty-day period has now expired, and plaintiff still has not
filed a properly 22 completed in forma pauperis application, nor, in the alternative, has he paid the
filing fee. Given 23 the number of opportunities plaintiff has been given to file a proper in forma
pauperis application, 24 it appears that he is unable or unwilling to do so. 25 Accordingly, IT IS
HEREBY RECOMMENDED that this action be DISMISSED without 26 prejudice. 27 These
findings and recommendations are submitted to the United States District Judge 28 assigned to the
case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 1 | after being
served with these findings and recommendations, plaintiff may file written objections 2 || with the
court and serve a copy on all parties. Such a document should be captioned “Objections 3 || to
Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file 4 ||
objections within the specified time may waive the right to appeal the District Court’s order. 5 ||

Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 6 || DATED: March 7, 2023 ~ 7 Htttenr— Lhor—
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ALLISON CLAIRE

8 UNITED STATES MAGISTRATE JUDGE

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