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

SOPHIA LOPEZ,	)	1:09-cv-02174 LJO JLT
	)	
Plaintiff,	)	FINDINGS AND RECOMMENDATIONS
	)	DISMISSING COMPLAINT WITH
v.	)	PREJUDICE
	)	
	)	
MARTHA JOHNSON, and	)	
RENEE RICHARDSON,	)	
	)	
Defendants.	)	

On December 15, 2009, Plaintiff filed a motion to proceed *in forma pauperis*. [Doc 3]  
The motion was not complete and not signed under penalty of perjury. On December 31, 2009,  
the Court ordered Plaintiff to submit a complete motion to proceed *in forma pauperis* and warned  
Plaintiff that her failure to comply with the order may result in a recommendation to dismiss the  
action.. [Doc 5]

On January 7, 2010, Plaintiff again filed a motion to proceed *in forma pauperis*. [Doc 6]  
Although this motion contained some additional information but still was not complete and, once  
again, it was not signed under penalty of perjury. Finally, on January 11, 2010, the Court ordered  
Plaintiff to file an amended affidavit to support her request to proceed *in forma pauperis*. [Doc  
#7] In its order, the Court admonished Plaintiff that her failure to comply could result in denial of  
her motion to proceed *in forma pauperis*. Id. Plaintiff did not respond.

1 On January 29, 2010, the Court denied the Plaintiff's request to proceed *in forma*  
2 *pauperis* without prejudice based upon her failure to file a complete, signed motion. The Court  
3 ordered Plaintiff to pay the filing fee or, in the alternative, to file a new application to proceed *in*  
4 *forma pauperis* that was signed and contained the information required by the Court's order  
5 dated January 11, 2010. (Doc. 8) The Court granted Plaintiff 30 days in which to pay the filing  
6 fee or to file the new motion to proceed *in forma pauperis*. The Court warned plaintiff that her  
7 failure to comply with the Court's order would result a recommendation that the action be  
8 dismissed. Once again, Plaintiff did not respond. Therefore, the Court concludes that the  
9 Plaintiff has abandoned her lawsuit.

10 **RECOMMENDATION**

11 Based on the foregoing, the Court recommends,

- 12 1. That the complaint (Doc. 1) be DISMISSED, with prejudice, for failure to comply  
13 with the Court's order to pay the filing fee.

14 These Findings and Recommendations are submitted to the United States District Judge  
15 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the  
16 Local Rules of Practice for the United States District Court, Eastern District of California.  
17 Within fourteen (14) days after being served with a copy, Plaintiff may file written objections  
18 with the Court. Such a document should be captioned "Objections to Magistrate Judge's  
19 Findings and Recommendations." The District Judge will then review the Magistrate Judge's  
20 ruling pursuant to 28 U.S.C. § 636 (b)(1)(C). Failure to file objections within the specified time  
21 may waive the right to appeal the District Judge's order. Martinez v. Ylst, 951 F.2d 1153 (9th  
22 Cir. 1991).

23  
24 IT IS SO ORDERED.

25 Dated: March 4, 2010

26 /s/ Jennifer L. Thurston  
27 UNITED STATES MAGISTRATE JUDGE  
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