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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS BUTLER,
Plaintiff,
v.
CSP CENTRAL TOWER STAFF, et al.,
Defendants.

Case No. 1:15-cv-01532-JLT (PC)
FINDINGS AND RECOMMENDATION TO DISMISS ACTION WITHOUT PREJUDICE FOR FAILURE TO PAY FILING FEE OR FILE APPLICATION TO PROCEED *IN FORMA PAUPERIS*
(Doc. 3)
30-DAY DEADLINE

On December 15, 2015, the Court ordered plaintiff to show cause why this action should not be dismissed due to his failure to comply to file either an application to proceed *in forma pauperis* or to pay the filing fee for this action. Plaintiff has not complied. The Court warned Plaintiff that it would recommend the matter be dismissed if he failed to obey.

A civil action may not proceed absent the submission of either the filing fee or a completed application to proceed *in forma pauperis*. 28 U.S.C. §§ 1914, 1915. Based on Plaintiff's failure to comply with the Court's order, dismissal of this action is appropriate. *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1226 (9th Cir. 2006); Local Rule 110.

Accordingly, it is the Court RECOMMENDS that this action be dismissed without prejudice for Plaintiff's failure to pay the filing fee or file a completed application to proceed *in forma pauperis*.

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These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within 30 days** after being served with these Findings and Recommendations, Plaintiff may file written objections with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: February 25, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE