

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES—GENERAL**Case No. CV 16-05635-MWF****Date: March 9, 2017**

Title: In re James A. Krage

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District JudgeRelief Deputy Clerk:

Cheryl Wynn

Court Reporter:

Not Reported

Attorneys Present for Plaintiff:

None Present

Attorneys Present for Defendant:

None Present

**Proceedings (In Chambers): ORDER DISMISSING APPEAL FOR FAILURE TO
PAY FILING FEE**

On July 28, 2016, pro se Debtor and Appellant James A. Krage filed a Notice of Appeal in this Court. (Docket No. 1). The Notice indicated that Appellant appealed from an order of the United States Bankruptcy Court (the Honorable Julia W. Brand), entered July 15, 2016.

On September 1, 2016, a notice from the Bankruptcy Court, titled Appeal Deficiency Notice, was entered, indicating that the filing fee for the Notice of Appeal had not been paid by Appellant. (Docket No. 6). Accordingly, on February 9, 2017, the Court issued an Order to Show Cause re: Dismissal for Failure to Pay Filing Fee (the "OSC"). (Docket No. 8). Appellant was ordered to pay the filing fee no later than February 23, 2017, or file a status report as to why the action should not be dismissed for failure to comply with the Court's order. Appellant was warned that failure to respond to the OSC would result in dismissal of the action.

The deadline has passed, and Appellant has failed to respond to the OSC. No request for a waiver of the fee has been filed and no basis for waiving the fee has been provided to the Court.

The Court may dismiss an action for failure to prosecute and/or to comply with court orders. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash Railroad Co.*, 370 U.S. 626, 629–30 (1962) (noting that district court's authority to dismiss for lack of prosecution is necessary to prevent undue delays in the disposition of pending cases and avoid

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congestion in district court calendars); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (stating that district court may dismiss action for failure to comply with any order of the court). A Court may also dismiss an appeal from the bankruptcy court for failure to file the required fee. *Cf. In re Singh*, 551 B.R. 54, 69 (2016) (denying motion to reopen bankruptcy action where petitioner failed to file required fee).

Accordingly, the Court **DISMISSES** this appeal with prejudice. The Court **ORDERS** the Clerk to treat this Order, and its entry on the docket, as an entry of judgment. Local Rule 58-6.

IT IS SO ORDERED.