

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 14-140-JGB-(KKx)**

Date: February 17, 2017

Title: ***Kalif Smyer v. United States of America***

Present: The Honorable **KENLY KIYA KATO, UNITED STATES MAGISTRATE JUDGE**

DEB TAYLOR

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order Directing Plaintiff to Submit Status Report Re: Payment of Filing Fees

On January 22, 2014, Plaintiff filed a pro se prisoner complaint pursuant to the Federal Tort Claims Act. Dkt. 1. On May 5, 2015, the Court granted Plaintiff's request to proceed without prepayment of filing fees ("IFP Order"). Dkt. 16. Plaintiff was ordered to pay an initial partial filing fee of \$34.40 within thirty (30) days of the date of the order and monthly payments thereafter in accordance with 28 U.S.C. § 1915(b)(2). *Id.* On June 1, 2015, Plaintiff requested additional time to make the initial payment. Dkt. 18. It appears the Court received three payments on the IFP Order in July, August, and September 2015. However, since September 2015, there has been no activity in this case.

Under Federal Rule of Civil Procedure 41(b), the Court may dismiss an action with prejudice for failure to prosecute or failure to comply with any court order. See Fed. R. Civ. P. 41(b).

Accordingly, Plaintiff is **ORDERED** to file a Status Report (a) explaining the status of his payments pursuant to the May 5, 2015 IFP Order; and (b) stating whether Plaintiff intends to continue to prosecute his Complaint. Plaintiff shall have up to and including **March 10, 2017**, to respond to this Order. **Plaintiff is cautioned that failure to timely file a response to this Order will be deemed by the Court consent to the dismissal of this action with prejudice.**

IT IS SO ORDERED.