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

ROBERT GRIFFIN,

1:09-cv-01762-OWW-SMS (PC)

Plaintiff,

ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO EITHER
PAY FILING FEE IN FULL OR FILE
APPLICATION TO PROCEED IN FORMA
PAUPERIS

vs.

WASCO STATE PRISON,

Defendant.

(Doc. 6)

_____ /

Plaintiff Robert Griffin, a prisoner proceeding pro se, filed this civil rights action on September 30, 2009. Plaintiff filed a form application to proceed in forma pauperis which did not contain all of the information required by this Court, specifically Plaintiff's authorization for the deduction of the filing fee from his trust account. On October 8, 2009, the Court issued an order requiring Plaintiff to either pay the \$350.00 filing fee in full or file an application to proceed in forma pauperis on the form provided with the order, within forty-five days. More than forty-five days have passed and Plaintiff has not complied with or otherwise responded to the Court's order. Plaintiff was warned that dismissal would occur if he failed to obey the order.

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1 A civil action may not proceed absent the submission of either the filing fee or a
2 completed application to proceed in forma pauperis. 28 U.S.C. §§ 1914, 1915. Because Plaintiff
3 has submitted neither in compliance with the Court's order to do so, dismissal of this action is
4 appropriate. In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217,
5 1226 (9th Cir. 2006); Local Rule 110.

6 Accordingly, the Court HEREBY ORDERS this action dismissed, without prejudice, for
7 failure to pay the filing fee or file a completed application to proceed in forma pauperis.

8
9 IT IS SO ORDERED.

10 **Dated:** December 18, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE