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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALBERTA BUSBY,

Plaintiff,

v.

UNKNOWN,

Defendant.

CASE NO. 1:10-cv-01406-AWI-GBC (PC)

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

(Doc. # 4)

Plaintiff, proceeding pro se, filed this civil action on August 6, 2010. Plaintiff did not pay the \$350.00 filing fee in full or file an application to proceed in forma pauperis, and on August 12, 2010, the Court ordered Plaintiff to do so within thirty days. More than thirty days have passed and Plaintiff has not complied with or otherwise responded to the Court's order. Plaintiff was warned that failure to obey the order would result in dismissal of the action.

A civil action may not proceed absent the submission of either the filing fee or an application to proceed in forma pauperis. 28 U.S.C. §§ 1914, 1915. Because Plaintiff has submitted neither and has not responded to the Court's order to do so, dismissal of this action is appropriate. In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226-27 (9th Cir. 2006); Local Rule 110.

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1 Accordingly, the Court HEREBY ORDERS this action dismissed, without prejudice, for
2 failure to pay the filing fee or file an application to proceed in forma pauperis.

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4 IT IS SO ORDERED.

5 Dated: October 5, 2010


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7 UNITED STATES MAGISTRATE JUDGE