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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

THOMAS L. DAVIS,

Plaintiff,

v.

SHARPE, et al.,

Defendants.

CASE NO. 1:10-CV-01734-DLB PC

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

(DOC. 3)

Plaintiff, proceeding pro se, filed this civil action on September 22, 2010. Plaintiff did not pay the \$350.00 filing fee in full or file an application to proceed in forma pauperis, and on October 20, 2010, the Court ordered Plaintiff to do so within forty-five days. More than forty-five days have passed and Plaintiff has not complied with 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 (9th Cir. 2006); Local Rule 110.

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

IT IS SO ORDERED.

**Dated: January 5, 2011**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE