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

|                           |                                |
|---------------------------|--------------------------------|
| ROGELIO GALVAN,           | 1:10-cv-01891-AWI-SMS (PC)     |
| Plaintiff,                | ORDER DISMISSING CASE, WITHOUT |
| vs.                       | PREJUDICE, FOR FAILURE TO      |
| COUNTY OF FRESNO, et al., | PROSECUTE                      |
| Defendants.               | (Doc. 4)                       |

Plaintiff, proceeding pro se, filed this civil rights action on October 12, 2010. Plaintiff's in forma pauperis application was submitted on the wrong form, and on October 18, 2010, Plaintiff was ordered to either pay the \$350.00 filing fee in full or file another application to proceed in forma pauperis 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.<sup>1</sup> Plaintiff was warned that dismissal would occur if he failed to obey the order.

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

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<sup>1</sup> The order, which was served twice, was returned by United States Postal Service as undeliverable. A notation on the envelope indicates that Plaintiff is no longer in custody. However, Plaintiff has not notified the court of any change in his address. Absent such notice, service at a party's prior address is fully effective. Local Rule 182(f).

1 appropriate. In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217,  
2 1226 (9th Cir. 2006); Local Rule 110.

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

5  
6 IT IS SO ORDERED.

7 Dated: January 25, 2011

  
8 CHIEF UNITED STATES DISTRICT JUDGE