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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC LAVELLE WILLIAMS,
Plaintiff,

v.

A. LANE,
Defendant.

CASE NO. 1:10-cv-2212-MJS (PC)

ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO COMPLY WITH COURT
ORDER

PLAINTIFF MUST FILE MOTION TO
PROCEED IN FORMA PAUPERIS OR PAY
\$350.00 FILING FEE BY FEBRUARY 28,
/ 2011

Plaintiff Eric Williams ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On January 7, 2011, the Court ordered Plaintiff to submit an application to proceed in forma pauperis or pay the \$350.00 filing fee by January 31, 2011. (ECF No. 13.) To date, Plaintiff has failed to respond to the Court's Order.

A civil action may not proceed absent the submission of either the filing fee or the grant of in forma pauperis status. 28 U.S.C. §§ 1914, 1915. Because Plaintiff has not filed a motion to proceed in forma pauperis and has not paid the filing fee, the Court could dismiss this action. In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006); Local Rule 11-110.

However, the Court will afford Plaintiff one additional opportunity to comply with its prior order. Plaintiff must submit an application to proceed in forma pauperis or pay the full \$350.00 filing fee by **February 28, 2011**. Plaintiff is on notice that failure to comply with

1 this order and meet the Court's deadline will result in dismissal of this action.

2 Accordingly, the Court hereby ORDERS the following:

- 3 1. The Clerk's office shall send Plaintiff a blank in forma pauperis form;
- 4 2. Plaintiff is to complete the enclosed form or pay the \$350.00 filing fee by
5 **February 28, 2011;**
- 6 3. Failure to comply with this order will result in dismissal of this action.

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11 IT IS SO ORDERED.

12 Dated: February 7, 2011

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE