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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

WESLEY C. LOGAN,	CASE NO. 1:11-cv-00373–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
v.	
JAMES A. YATES, et al.,	(ECF No. 3)
Defendants.	

Plaintiff Wesley C. Logan, a prisoner proceeding pro se, filed this civil rights action on March 3, 2011. Plaintiff did not file an application to proceed in forma pauperis or pay the filing fee. On March 7, 2011, 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.

A civil action may not proceed absent the submission of either the filing fee or a completed application to proceed in forma pauperis. 28 U.S.C. §§ 1914, 1915. Because Plaintiff has submitted neither in compliance with 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.

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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 a completed application to proceed in forma pauperis.

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4 IT IS SO ORDERED.

5 **Dated:**   May 24, 2011  

      /s/ Oliver W. Wanger        
UNITED STATES DISTRICT JUDGE

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