

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

BARRY LOUIS LAMON,

1:11-cv-00615-GSA-PC

Plaintiff,

ORDER DISMISSING ACTION WITHOUT  
PREJUDICE FOR FAILURE TO EITHER PAY  
FILING FEE OR FILE APPLICATION TO  
PROCEED IN FORMA PAUPERIS  
(Doc. 3.)

v.

B. AMRHEIN, et al.,

Defendants.

ORDER FOR CLERK TO CLOSE CASE

\_\_\_\_\_/

Plaintiff, proceeding pro se, filed this civil rights action on April 18, 2011. (Doc. 1.) On June 14, 2011, Plaintiff consented to the jurisdiction of the Magistrate Judge, and no other parties have appeared in this action. (Doc. 7.) On June 16, 2011, this case was reassigned to the undersigned for all further proceedings. (Doc. 8.)

On April 20, 2011, the Court ordered Plaintiff to pay the \$350.00 filing fee in full or file an application to proceed in forma pauperis, within forty-five days. (Doc. 3.) 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 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, the Court HEREBY ORDERS that:

- 1. This action dismissed, without prejudice, for failure to pay the filing fee or file an application to proceed in forma pauperis; and
- 2. The Clerk is directed to close this case.

IT IS SO ORDERED.

**Dated: June 17, 2011**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE