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

JOHN FREDERICK WHEELER,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,

Defendant.

) 1:11-CV-01430-AWI-JLT

) ORDER DIRECTING PLAINTIFF TO PAY
) THE FILING FEE OR FILE A MOTION TO
) PROCEED IN FORMA PAUPERIS

As a general rule, all parties instituting any civil action, suit or proceeding in a United States District Court must pay a filing fee. 28 U.S.C. § 1915(a). However, the Court may authorize the commencement of an action without the filing fee “by a person who submits an affidavit that includes a statement of all assets such [person] possesses that the person is unable to pay such fees or give security therefore.” 28 U.S.C. § 1915(a)(1). Therefore, an action may proceed despite a failure to prepay the filing fee only if leave to proceed in forma pauperis (“IFP”) is granted by the Court. See *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999).

Plaintiff commenced this action by filing his complaint on August 24, 2011. (Doc. 1). However, because Plaintiff failed to pay the requisite filing fee or to file a motion to proceed IFP, the matter cannot proceed before the Court at this time.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff **SHALL** pay the filing fee within 14 days of service of this order, *or*
2. In the alternative, Plaintiff **SHALL** file a motion to proceed in forma pauperis within 14 days of service.
3. Failure to comply with this order may result in dismissal of this action pursuant to Local Rule 110.

IT IS SO ORDERED.

Dated: August 30, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE