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

MARVIN BERRIOS,

Plaintiff,

vs.

DR. DILEO, et al.

Defendants.

1:11-cv-01434-AWI-BAM-(PC)

FINDINGS AND RECOMMENDATION TO  
DISMISS CASE FOR FAILURE TO OBEY A  
COURT ORDER

OBJECTIONS DUE WITHIN FIFTEEN DAYS

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On August 30,2011, the court issued an order for plaintiff to submit an application to proceed in forma pauperis on the correct form or pay the filing fee, within forty-five (45) days. The forty-five (45) day period has now expired, and plaintiff has not filed the correct application to proceed in forma pauperis, pay the filing fee or otherwise responded to the court's 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.

