

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**  
9

10 **MIKEAL STINE,**

11 **Plaintiff**

12 **v.**

13 **FEDERAL BUREAU OF PRISONS,**  
14 **JOHN DOE 1, JOHN DOE 2, and**  
**“UNKNOWN DEFENDANTS”**

15 **Defendant**

**CASE NO. 1:13-CV-1883 AWI MJS**

**ORDER DISMISSING ACTION,**  
**DECLINING TO ADOPT FINDINGS**  
**AND RECOMMENDATION, AND**  
**DENYING MOTION TO APPOINT**  
**COUNSEL**

(Doc. Nos. 20, 21)

16  
17  
18 On September 9, 2015, the Court revoked Plaintiff’s in forma pauperis status and gave  
19 Plaintiff fourteen days in which to pay the requisite filing fee. See Doc. No. 22. The Court  
20 warned Plaintiff that the failure to timely pay the filing fee would result in the dismissal of this  
21 case without further notice. See id. More than fourteen days have passed, and Plaintiff has failed  
22 to pay the filing fee. Because Plaintiff has failed to pay the filing fee, the Court will dismiss this  
23 case.

24 Additionally, the Magistrate Judge issued a Findings and Recommendation on July 28,  
25 2015 (Doc. No. 21), and on July 27, 2015, Plaintiff filed a motion to appoint counsel (Doc. No.  
26 20). Because the Court is dismissing this case for failing to pay the filing fee, the Court will  
27 decline to adopt the Findings and Recommendation and deny Plaintiff’s motion to appoint  
28 counsel.

**ORDER**

Accordingly, IT IS HEREBY ORDERED that:

1. This case is DISMISSED without prejudice for failure to pay a filing fee;
2. The Court DECLINES to adopt the July 28, 2015 Findings and Recommendation (Doc. No. 21) in light of the dismissal; and
3. Plaintiff's motion to appoint counsel (Doc. No. 20) is DENIED as moot.

IT IS SO ORDERED.

Dated: October 7, 2015

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE