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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEONARD J. JONES,

Case No. 1:13-cv-01990-LJO-SKO

Plaintiff,

**ORDER DISMISSING ACTION FOR
FAILURE TO PAY THE FILING FEE OR
AN APPLICATION TO PROCEED IN
FORMA PAUPERIS**

v.

MERCED POLICE DEPARTMENT, et al.,

Defendants.

_____ /

Plaintiff Leonard Jones ("Plaintiff") is a prisoner at a Merced County correctional facility and on December 5, 2013, filed a civil rights action pursuant to Title 42 of the United States Code section 1983. Plaintiff did not pay the \$400.00 filing fee, nor did he submitted an application to proceed *in forma pauperis* pursuant to Title 28 of the United States Code section 1915. On December 10, 2013, the Court issued an order directing Plaintiff to pay the filing fee or submit an application to proceed *in forma pauperis* within 30 days. (Doc. 2.)

Plaintiff failed to file the fee or an application to proceed without prepayment of the fees. As such, this action will be dismissed without prejudice. Plaintiff may file a new action, but he must include a filing fee or an *in forma pauperis* application with the new civil rights complaint to commence a new action. Plaintiff **may not** file an *in forma pauperis* application or pay the filing fee in this action as it is now dismissed.

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Accordingly, IT IS HEREBY ORDERED that:

1. This action is DISMISSED without prejudice for failure to pay the filing fee or submit a completed *in forma pauperis* application; and
2. The Clerk of Court is DIRECTED to administratively close this case.

IT IS SO ORDERED.

Dated: January 23, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE