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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STACY NEWMAN,
Plaintiff,
v.
LACKNER, et al.,
Defendants.

Case No. 1:14-cv-00054-JLO-JLT (PC)
**FINDINGS AND RECOMMENDATION
TO DISMISS ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY
FILING FEE OR FILE APPLICATION TO
PROCEED IN FORMA PAUPERIS**
(Doc. 3)
THIRTY (30) DAY DEADLINE

Plaintiff, Stacy Newman, a state prisoner proceeding pro se, filed this civil rights action on January 15, 2014. On January 21, 2014, the Court issued an order requiring Plaintiff to either pay the \$400.00 filing fee in full or file an application to proceed in forma pauperis on the form provided with the order, within forty-five days. 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 a completed application to proceed in forma pauperis. 28 U.S.C. §§ 1914, 1915. Based on Plaintiff's failure to comply with the Court's order, dismissal of this action is appropriate. *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1226 (9th Cir. 2006); Local Rule 110.

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Accordingly, it is HEREBY RECOMMENDED that this action be dismissed without prejudice for Plaintiff's failure to pay the filing fee or file a completed application to proceed in forma pauperis.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within 30 days after being served with these findings and recommendations, Plaintiff may file written objections with the Court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: April 1, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE