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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLEVELAND JAMES SMITH, JR.,
Plaintiff,
v.
DOE,
Defendant.

Case No. 1:14-cv-01116-LJO-SKO (PC)
ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY
FILING FEE OR FILE APPLICATION TO
PROCEED IN FORMA PAUPERIS
(Doc. 3)

Plaintiff Cleveland James Smith, Jr., a prisoner proceeding pro se, filed this civil action on July 16, 2014. On July 21, 2014, the Court issued an order requiring Plaintiff to pay the \$400.00 filing fee in full or file an application to proceed in forma pauperis on the form provided within forty-five days. More than forty-five days have passed and Plaintiff has not complied with or otherwise responded to the 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, the Court HEREBY ORDERS this action dismissed, without prejudice, for failure to pay the filing fee or file a completed application to proceed in forma pauperis.

IT IS SO ORDERED.

Dated: September 25, 2014

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