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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

9 BRENDA DARLENE WILSON,

10 Plaintiff,

11 v.

12 COMMISSIONER OF SOCIAL SECURITY,

13 Defendant.

Case No. 1:14-cv-01392-AWI-SAB

FINDINGS AND RECOMMENDATIONS  
RECOMMENDING DISMISSING ACTION  
FOR FAILURE TO PAY FILING FEE

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

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15 On September 4, 2014, Plaintiff Leigh Ann Grant (“Plaintiff”) filed a complaint and an  
16 application to proceed in forma pauperis without prepayment of the filing fee. (ECF No. 2.) The  
17 Court denied Plaintiff’s application to proceed in forma pauperis without prejudice on September  
18 8, 2014, because the application provided by Plaintiff did not contain sufficient information for  
19 the Court to determine if she was entitled to proceed without prepayment of fees. (ECF No. 6.)  
20 At the direction of the Court, on September 25, 2014, Plaintiff filed a long form application to  
21 proceed in forma pauperis. (ECF No. 7.) After review of the long form application the Court  
22 determined that Plaintiff had not made a showing that she was entitled to proceed without  
23 prepayment of fees and she was ordered to pay the filing fee within thirty days. (ECF No. 8.)

24 On November 5, 2014, rather than submit the filing fee, Plaintiff submitted a third  
25 application to proceed in forma pauperis which the Court construed as a motion for  
26 reconsideration. (ECF No. 9.) An order issued denying the application on November 7, 2014,  
27 and Plaintiff was ordered to pay the filing fee within thirty days. (ECF No. 10.) More than thirty  
28 days have passed and Plaintiff has not paid the filing fee or otherwise responded to the Court’s

1 order.

2 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these  
3 Rules or with any order of the Court may be grounds for imposition by the Court of any and all  
4 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to  
5 control its docket and may, in the exercise of that power, impose sanctions where appropriate,  
6 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.  
7 2000).

8 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed, without  
9 prejudice, for Plaintiff’s failure comply with the September 29, 2014 and November 7, 2014  
10 orders.

11 These findings and recommendations are submitted to the district judge assigned to this  
12 action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court’s Local Rule 304. Within fourteen  
13 (14) days of service of this recommendation, any party may file written objections to these  
14 findings and recommendations with the Court and serve a copy on all parties. Such a document  
15 should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The  
16 district judge will review the magistrate judge’s findings and recommendations pursuant to 28  
17 U.S.C. § 636(b)(1)(C). The parties are advised that failure to file objections within the specified  
18 time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, \_\_ F.3d \_\_, \_\_, No. 11-  
19 17911, 2014 WL 6435497, at \*3 (9th Cir. Nov. 18, 2014) (citing Baxter v. Sullivan, 923 F.2d  
20 1391, 1394 (9th Cir. 1991)).

21 IT IS SO ORDERED.

22 Dated: December 16, 2014

  
UNITED STATES MAGISTRATE JUDGE

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