

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

BRYANT FRANK WILSON,  
  
                    Plaintiff,  
  
          v.  
  
CALIFORNIA DEPT. OF CORRECTIONS  
AND REHABILITATION, et al.,  
  
                    Defendants.

Case No. 1:14-cv-01475-SKO (PC)  
  
ORDER DISMISSING ACTION WITHOUT  
PREJUDICE FOR FAILURE TO PAY  
FILING FEE OR FILE APPLICATION TO  
PROCEED IN FORMA PAUPERIS  
  
(Doc. 5)

---

Plaintiff Bryant Frank Wilson, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 22, 2014. On September 24, 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.

///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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: December 17, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE