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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DERWIN BUTLER, SR.,
Plaintiff,
v.
RON, et al.,
Defendants.

Case No. 1:14-cv-01682-AWI-JLT (PC)
**ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO FILE
APPLICATION TO PROCEED IN FORMA
PAUPERIS**
(Doc. 7)

Plaintiff, Derwin Butler, Sr., a state prisoner proceeding *pro se*, filed this civil rights action on August 25, 2014. On October 31, 2014, the Court issued an order requiring Plaintiff to pay the filing fee 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, 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: January 8, 2015



SENIOR DISTRICT JUDGE