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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 RICHARD P. SORIANO, et al.,

12 Plaintiffs,

13 v.

14 FRESNO UNIFIED SCHOOL DISTRICT, et
15 al.,

16 Defendants.

Case No. 1:14-cv-02023-KJM-SAB

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

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

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18 On December 19, 2014, Plaintiffs Richard P. Soriano and Frank R. Ortiz (“Plaintiffs”)
19 filed the complaint in this action and each plaintiff filed an application to proceed in forma
20 pauperis. (ECF Nos. 1, 2, 3.) On December 24, 2014, the plaintiffs were found to be ineligible
21 to proceed in this action without prepayment of fees; and Plaintiffs were ordered to pay the filing
22 fee within thirty days. (ECF No. 4.) Plaintiffs were advised in the order that the failure to pay
23 the filing fee would result in this action being dismissed. More than thirty days have passed and
24 Plaintiffs have not paid the filing fee or otherwise responded to the Court’s order.

25 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these
26 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
27 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
28 control its docket and may, in the exercise of that power, impose sanctions where appropriate,

1 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
2 2000).

3 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
4 prejudice for Plaintiffs' failure to pay the filing fee in compliance with the December 24, 2014
5 order of the Court.

6 These findings and recommendations are submitted to the district judge assigned to this
7 action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 304. Within fourteen
8 (14) days of service of this recommendation, any party may file written objections to these
9 findings and recommendations with the Court and serve a copy on all parties. Such a document
10 should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The
11 district judge will review the magistrate judge's findings and recommendations pursuant to 28
12 U.S.C. § 636(b)(1)(C). The parties are advised that failure to file objections within the specified
13 time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th
14 Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

15 IT IS SO ORDERED.

16 Dated: January 30, 2015

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19 UNITED STATES MAGISTRATE JUDGE
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