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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTHONY RECARDO GONZALES-  
TURNER,  
  
  Plaintiff,  
  
  v.  
  
SANDOR, et al.,  
  
  Defendants.

1:15-cv-00131-LJO-JLT (PC)  
  
**FINDINGS AND RECOMMENDATIONS  
TO DISMISS THE ACTION FOR  
PLAINTIFF'S FAILURE TO OBEY  
COURT ORDER**  
  
**(Doc. 14)**  
  
**30-DAY DEADLINE**

On January 26, 2015, Plaintiff initiated this action by filing the Complaint and an application to proceed in forma pauperis. (Docs. 1, 3.) On July 2, 2015, The Court denied Plaintiff's application because he has suffered "three strikes" under the Prison Litigation Reform Act and could not demonstrate he was in imminent danger of serious physical harm. 28 U.S.C. § 1915(g). Thus, the Court ordered him to pay the \$400.00 filing fee within thirty days. (Docs. 14.) More than thirty days have passed and Plaintiff has failed to pay the filing fee or otherwise respond.

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 ineligibility to proceed *in forma pauperis* and his failure to comply with the Court's order to pay the filing fee in full, dismissal of this action is appropriate. *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1226 (9th Cir. 2006);

1 Local Rule 110.

2 Accordingly, it is HEREBY RECOMMENDED that this action be DISMISSED without  
3 prejudice for Plaintiff's failure to pay the \$400.00 filing fee.

4 These Findings and Recommendations will be submitted to the United States District  
5 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within 30**  
6 **days** after being served with these Findings and Recommendations, Plaintiff may file written  
7 objections with the Court. The document should be captioned "Objections to Magistrate Judge's  
8 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
9 specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834,  
10 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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12 IT IS SO ORDERED.

13 Dated: August 11, 2015

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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