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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JOSE LOPEZ HERNANDEZ,) Case No.: 1:15-cv-00573-BAM (PC)
Plaintiff, v.	ORDER GRANTING PLAINTIFF'S REQUEST FOR EXTENSION OF TIME TO PAY INITIAL FILING FEE
FEDERAL BUREAU OF PRISONS, et al., Defendants.) (ECF No. 16))

Plaintiff Jose Lopez Hernandez is a former federal prisoner proceeding pro se in this action brought pursuant to <u>Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics</u>, 403 U.S. 388, 91 S.Ct. 1999 (1971), which provides a remedy for violation of civil rights by federal actors. Plaintiff initiated this action on March 30, 2015.

On July 9, 2015, this Court issued an order requiring Plaintiff to either provide an application to proceed in forma pauperis in this action, or in the alternative, pay the \$400.00 filing fee for this action, within forty-five days from the date of service of that order. (ECF No. 15.) On August 31, 2015, Plaintiff filed a letter dated August 20, 2015 in this case, and tendered a payment of \$100.00 to the Court. (ECF No. 16.) In his letter, Plaintiff explains that his wife Teresa Martinez will be paying his filing fee on his behalf, and she sent \$100 as a first payment, with payments of \$50 to follow every two weeks until the filing fee is paid in full. (Id.) Based on Plaintiff's representations, the initial filing fee for this action would be paid in full on or about November 30, 2015.

The Court construes Plaintiff's letter as a motion for an extension of time to pay the initial civil filing fee for his action. Based on the documentation and payment submitted to the Court, it appears Plaintiff is making a good faith effort to pay that fee. Accordingly, it is HEREBY ORDERED that: 1. Plaintiff's request for an extension of time to tender the \$400.00 initial filing fee in this action is GRANTED. Plaintiff shall pay the full amount of the filing fee on or before November 30, 2015: 2. No extension of time will be granted without a showing of good cause; and 3. The failure to comply with this order will result in dismissal of this action without prejudice. IT IS SO ORDERED. 1s/ Barbara A. McAuliffe Dated: September 1, 2015