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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	SEAVON PIERCE,	Case No. 1:16-cv-00045-DAD-JLT (PC)
12	Plaintiff,	FINDINGS AND RECOMMENDATIONS TO DISMISS BASED ON PLAINTIFF'S
13	v. FRESNO FEDERAL COURT, et al., Defendants.	FAILURE TO OBEY COURT ORDER AND TO PAY FILING FEE
14		(Doc. 6)
15		<b>30-DAY DEADLINE</b>
16	On January 11, 2016, Plaintiff filed an application to proceed in forma pauperis pursuant	
17	to 28 U.S.C. § 1915. (Doc. 2.) The Court denied the application and ordered him to pay the	
18	\$400.00 filing fee within thirty days. (Doc. 6.) More than thirty days have passed and Plaintiff	
19	has failed to pay the filing fee. However, he did file a motion for reconsideration which the Court	
20	denied. (Docs. 7, 8.)	
21	A civil action may not proceed absent the submission of either the filing fee or an	
22	approved application to proceed in forma pauperis. 28 U.S.C. §§ 1914, 1915. The Court denied	
23	Plaintiff's application to proceed in forma pauperis because he had filed at least three cases that	
24	failed to state a claim or were frivolous and his current action did not demonstrate he was at	
25	imminent danger of serious physical harm. (Doc. 6.) Despite being given thirty days to pay the	
26	filing fee in full, Plaintiff has failed to do so.	
27	Based on Plaintiff's ineligibility to proceed in forma pauperis and his failure to comply	
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1	with the Court's order to pay the filing fee in full, dismissal of this action is appropriate. In re		
2	Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006);		
3	Local Rule 110. Accordingly, the Court RECOMMENDS that this action be DISMISSED		
4	without prejudice for Plaintiff's failure to pay the \$400.00 filing fee and that Plaintiff's motion for		
5	joinder under Rule 19 be denied.		
6	These findings and recommendations are submitted to the United States District Judge		
7	assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the		
8	Local Rules of Practice for the United States District Court, Eastern District of California. Within		
9	30 days after being served with these findings and recommendations, Plaintiff may file written		
10	objections with the court. Such a document should be captioned "Objections to Magistrate Judge's		
11	Findings and Recommendations." Plaintiff is advised failure to file objections within the specified		
12	time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th		
13	Cir. 1991); <u>Wilkerson v. Wheeler</u> , 772 F.3d 834, 834 (9th Cir. 2014).		
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15	IT IS SO ORDERED.		
16	Dated: April 27, 2016 /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE		
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