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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,  
Plaintiff,  
  
v.  
  
RIOS,  
Defendant.

Case No. 1:16-cv-00596-AWI-MJS (PC)  
**ORDER DISMISSING ACTION WITHOUT  
PREJUDICE FOR FAILURE TO PAY  
FILING FEE**  
  
**CLERK TO CLOSE CASE**

Plaintiff is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on April 28, 2016. (ECF No. 1.)

On September 26, 2016, Plaintiff filed a motion to proceed in forma pauperis (“IFP”). (ECF No. 13.) On September 27, 2016, the Magistrate Judge issued findings and recommendations (“F&R”) to deny Plaintiff’s motion for leave to proceed IFP pursuant to the “three strike rule” and to require Plaintiff to pay the filing fee in full within twenty-one days. (ECF No. 14.) Plaintiff was granted fourteen days to file objections to the F&R. Id. Receiving no objections, on November 15, 2016, this Court issued an order adopting the F&R in full, denying Plaintiff’s motion to proceed IFP, and directing Plaintiff to pay the \$400 filing fee in full within twenty-one days. (ECF No. 15.)

Shortly after the above-described order adopting was filed, Plaintiff’s objections were docketed. (ECF No. 16.) In an order dated December 9, 2016, the undersigned reviewed

1 Plaintiff's objections and, finding them to lack merit, again directed Plaintiff to pay the filing  
2 fee in full within twenty-one days of the Court's order. (ECF No. 17.) The twenty-one day  
3 deadline passed and Plaintiff did not pay the filing fee, nor did he seek an extension of time  
4 in which to do so.

5 Plaintiff's action may not proceed absent the submission of the filing fee. 28 U.S.C. §  
6 1914. Based on Plaintiff's failure to comply with the Court's order, dismissal of this action is  
7 appropriate. See In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d  
8 1217, 1226 (9th Cir. 2006); Local Rule 110.

9 Accordingly, it is HEREBY ORDERED THAT:

- 10 1. This action is DISMISSED WITHOUT PREJUDICE, based on Plaintiff's failure  
11 to pay the filing fee, and  
12 2. The Clerk of the Court shall terminate any and all pending motions and  
13 CLOSE the case.  
14

15 IT IS SO ORDERED.

16 Dated: February 8, 2017

  
17 SENIOR DISTRICT JUDGE