

1 *Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party's
2 failure to prosecute an action or failure to obey a court order, or failure to comply with local rules.
3 *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to
4 comply with an order requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833
5 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v.*
6 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply
7 with local rules).

8 A civil action may not proceed absent the submission of either the filing fee or an
9 approved application to proceed *in forma pauperis*. 28 U.S.C. §§ 1914, 1915. Based on
10 Plaintiff's ineligibility to proceed *in forma pauperis* and his failure to comply with the Court's
11 order to pay the filing fee in full, dismissal is appropriate. *In re Phenylpropanolamine (PPA)*
12 *Products Liability Litigation*, 460 F.3d 1217, 1226 (9th Cir. 2006); Local Rule 110.

13 Accordingly, the Court **RECOMMENDS** that this action be **DISMISSED** based on
14 Plaintiff's failure to obey the Court's order to pay the \$400.00 filing fee.

15 These Findings and Recommendations will be submitted to the United States District
16 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within 21**
17 **days** after being served with these Findings and Recommendations, Plaintiff may file written
18 objections with the Court. The document should be captioned "Objections to Magistrate Judge's
19 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
20 specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834,
21 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

22
23 IT IS SO ORDERED.

24 Dated: **December 17, 2018**

/s/ Jennifer L. Thurston
25 UNITED STATES MAGISTRATE JUDGE