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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GILBERT RODRIGUEZ,
Plaintiff,
v.
OFFICE OF THE PRESIDENT OF THE
UNITED STATES, BARACK HUSSEIN
OBAMA,
Defendant.

Case No. 1:16-cv-01623-LJO-MJS (PC)
**ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY
FILING FEE**
**CLERK TO TERMINATE ALL PENDING
MOTIONS AND CLOSE CASE**

Plaintiff proceeds pro se in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff initiated this action on October 27, 2016. (ECF No. 1.) That same day, Plaintiff filed an application to proceed in forma pauperis. (ECF No. 2.) On May 5, 2017, the Magistrate Judge issued findings and recommendations to deny Plaintiff leave to proceed *in forma pauperis* (“IFP”) on the grounds that his lawsuit was frivolous within the meaning of 28 § 1915(e)(2) and direct Plaintiff to pay the filing fee before he could proceed. (ECF No. 3.) Plaintiff was granted fourteen days to file his objections.

Plaintiff filed his objections on May 18, 2017. (ECF No. 4.) On May 26, 2017, the undersigned adopted the findings and recommendations, finding the objections to lack merit. (ECF No. 5.) Plaintiff was directed to pay the filing fee within twenty-one days.

1 The twenty-one days elapsed and Plaintiff did not pay the fee. Rather, he filed a
2 second set of objections to the Magistrate Judge's findings and recommendations and the
3 undersigned's order adopting the same (ECF No. 6) and a motion for a "judicial petition in
4 equity" (ECF No. 8.) These filings are in large part incomprehensible, and for that reason
5 will be disregarded.

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

10 Accordingly, it is HEREBY ORDERED THAT:

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

15
16 IT IS SO ORDERED.

17 Dated: July 6, 2017

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE