

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORY C. BONTEMPS,
Plaintiff,
vs.
D. HICKS, et al.,
Defendants.

1:16-cv-01854-EPG

**ORDER DISMISSING CASE FOR
FAILURE TO PAY REQUIRED FILING
FEE**

(ECF No. 9)

ORDER TO CLOSE CASE

Gregory C. Bontemps (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983.¹ Plaintiff filed the Complaint commencing this action on Oct. 20, 2016. (ECF No. 1.) On December 27, 2016, Plaintiff filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 9.)

The Court denied the motion to proceed *in forma pauperis* on January 23, 2017. (ECF No. 10.) Plaintiff was ordered to pay the \$400.00 filing fee in full within 30 days if he intended to proceed with this action and was warned that “[f]ailure to comply with this order or pay the filing fee will result in dismissal of this action.” (*Id.*)

¹ On December 19, 2016, Plaintiff consented to Magistrate Judge jurisdiction in this action pursuant to 28 U.S.C. § 636(c) (ECF No. 8), and no other parties have made an appearance. Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

1 More than 30 days have passed, and Plaintiff has expressed no intention of paying the
2 required \$400 filing fee to proceed with this action. Therefore, this case is DISMISSED
3 without prejudice. The Clerk of the Court is directed to CLOSE this case.

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5 IT IS SO ORDERED.

6 Dated: March 1, 2017

7 /s/ *Eric P. Groj*
8 UNITED STATES MAGISTRATE JUDGE

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