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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MANUEL BURCIAGA,	)	Case No.: 1:17-cv-00186-SAB (PC)
	)	
Plaintiff,	)	
	)	THIRD AND FINAL ORDER DIRECTING
v.	)	PLAINTIFF TO PAY \$400.00 FILING FEE OR
	)	SUBMIT A COMPLETE APPLICATION TO
DEPUTY SHERIFF,	)	PROCEED IN FORMA PAUPERIS
	)	
Defendant.	)	
	)	
	)	

Plaintiff Manuel Burciaga filed the instant civil rights action pursuant to 42 U.S.C. § 1983, on February 10, 2017. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on March 3, 2017. Local Rule 302.

On April 5, 2017, Plaintiff filed a response to the Court’s second order directing payment of the \$400.00 filing fee or submission of application to proceed in forma pauperis. Plaintiff contends that he has satisfied the payment fee.

In arguing that Plaintiff has satisfied the payment of the \$400.00 filing fee in this case, Plaintiff cites to House Joint Resolution (HJR) 192. HJR 192 of 1993 involved the suspension of the gold standard. H.J.R. 192, 73d Cong. (1933); see also U.S. v. Lee, 427 F.3d 881, 888 (11th Cir. 2005) (discussing the resolution); Holyoke Water Co. v. American Writing Paper Co., 300 U.S. 324, 339 n.1 (1937) (setting forth the joint resolution). This resolution was enacted and is today codified as 31 U.S.C. § 5118(d), which specifies that obligations requiring repayment in gold and issued after

1 October 1977 are satisfiable by fiat money. This act of Congress has no conceivable bearing on  
2 Plaintiff payment of fees in this action, and there is no exception to paying the filing fee or submitting  
3 an application to proceed in forma pauperis in this action.

4 Plaintiff is again advised that in order to proceed with this action, he must either pay the  
5 \$400.00 filing or submit a complete application to proceed in forma pauperis, and there is no  
6 exception to this rule. 28 U.S.C. § 1914; 28 U.S.C. § 1915(a)(1). Accordingly, within twenty-one  
7 (21) days from the date of service of this order, Plaintiff shall submit the attached application to  
8 proceed in forma pauperis, completed and signed, or in the alternative, pay the \$400.00 filing fee for  
9 this action. **No requests for extension will be granted without a showing of good cause, and the**  
10 **failure to comply with this order will result in dismissal of this action.**

11  
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13 IT IS SO ORDERED.

14 Dated: April 6, 2017



UNITED STATES MAGISTRATE JUDGE