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2 **UNITED STATES DISTRICT COURT**  
3 **EASTERN DISTRICT OF CALIFORNIA**  
4

5 TRACY WEBB,

6 Plaintiff,

7 v.

8 GSF PROPERTIES, et al.,

9 Defendants.

Case No. 1:17-cv-00361-LJO-SAB

ORDER DISMISSING CASE WITHOUT  
PREJUDICE

10  
11 On March 13, 2017, Plaintiff, proceeding pro se, filed a complaint in this action against  
12 GSF Properties, Lindsey Burrow, the Fresno Police Department, and the Fresno Sheriff's  
13 Department. Along with the complaint, Plaintiff filed an application to proceed without  
14 prepayment of fees. The matter was referred to a United States magistrate judge pursuant to 28  
15 U.S.C. § 636(b)(1)(B) and Local Rule 302.

16 On March 15, 2017, the magistrate judge issued an order finding that Plaintiff's  
17 application to proceed without prepayment of fees was not adequately completed. In her  
18 application, Plaintiff indicated that she received income from employment and Social Security  
19 benefits but did not indicate the amount received. (Application to Proceed Without Prepayment  
20 of Fees 1, ECF No. 2.) Additionally, in response to the question of whether she owned anything  
21 of value, Plaintiff responded that she would explain upon request. (Id. at 2.) The magistrate  
22 judge found that the information provided on the form was not sufficient to determine if Plaintiff  
23 was entitled to proceed without prepayment of fees. (Order Requiring Pl. to File Long Form  
24 Appl. To Proceed Without Prepayment of Fees 1, ECF No. 3.) The order required Plaintiff to  
25 complete and file a long form application to proceed without prepayment of fees. (Id.) Plaintiff  
26 was advised that she must adequately answer the questions on the form and if she was unwilling  
27 to complete the form, Plaintiff must pay the filing fee in full. (Id. at 2-3.)

28 On March 27, 2017, Plaintiff filed a long form application to proceed without

1 prepayment of fees. (Application to Proceed in District Court Without Prepaying Fees or Costs  
2 (Long Form), ECF No. 4.) Upon review of the application, the magistrate judge found that  
3 Plaintiff had again not adequately completed the form. (Findings and Recommendations  
4 Recommending Denying Plaintiff's Application to Proceed Without Prepayment of Fees 2, ECF  
5 No. 5.) Specifically, in response to the question asking the average income received in the prior  
6 twelve months, Plaintiff indicated that it "depends." Also, despite indicating that she received  
7 Social Security benefits in her prior application, Plaintiff did not include any amount for  
8 retirement or disability income. (*Id.* at 2.) The magistrate judge found that Plaintiff had not  
9 demonstrated that she was entitled to proceed without prepayment of fees and recommended  
10 denying Plaintiff's application. (*Id.* at 2.) On May 4, 2017, this Court adopted the findings and  
11 recommendations and ordered Plaintiff to pay the filing fee within thirty days. (ECF No. 8.)

12 On May 17, 2017, Plaintiff filed a third application to proceed without prepayment of  
13 fees and several notes to the Court. (ECF No. 9.) On May 24, 2017, the Court issued an order  
14 construing Plaintiff's application as a request for reconsideration and permitting Plaintiff  
15 fourteen (14) days to either pay the \$400.00 filing fee or file a revised, long-form application to  
16 proceed without prepayment of fees. (ECF No. 10.) Plaintiff was specifically warned that if she  
17 did not comply with the May 24, 2017 Order, her case would be dismissed. (*Id.*) The deadline  
18 has expired without any response from Plaintiff. Therefore, dismissal without prejudice is  
19 appropriate.

#### 20 CONCLUSION AND ORDER

21 Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED WITHOUT  
22 PREJUDICE.

23 The Clerk of Court is directed to close this case.  
24 IT IS SO ORDERED.

25 Dated: June 14, 2017

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