

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

LAMONT SHEPARD,  
Plaintiff,  
v.  
M. PODSAKOFF, et al.,  
Defendants.

Case No. 1:17-cv-00754-AWI-BAM (PC)  
**ORDER DISMISSING ACTION WITHOUT  
PREJUDICE FOR FAILURE TO PAY FILING  
FEE AND FAILURE TO OBEY COURT  
ORDER**  
(ECF No. 7)

Plaintiff Lamont Shepard (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on June 2, 2017. (ECF No. 1.) The same day, Plaintiff filed an application to proceed in forma pauperis under 28 U.S.C. § 1915. (ECF No. 2.)

On June 7, 2017, the Court issued findings and recommendations recommending that Plaintiff’s application to proceed in forma pauperis be denied and that he be required to pay the \$400.00 filing fee in full to proceed with this action. (ECF No. 5.) Plaintiff did not file objections. On August 9, 2017, the assigned District Judge issued an order adopting the findings and recommendations and ordering Plaintiff to pay the \$400.00 filing fee in full within twenty-one (21) days. (ECF No. 7). In that order, Plaintiff was warned that if he failed to pay the filing fee within the specified time, the action would be dismissed. (*Id.* at 2.) More than thirty days have passed, and Plaintiff has failed to pay the filing fee.

Because Plaintiff has failed to obey the Court’s order and pay the appropriate filing fee, this case cannot proceed. This matter will be dismissed See id.; Ferdik v. Bonzelet, 963 F.2d 1258, 1260–61 (9th Cir. 1992).


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

Based on the foregoing, this action is HEREBY DISMISSED, without prejudice, for Plaintiff's failure to comply with the Court's order of August 9, 2017, (ECF No. 7), and his failure to pay the filing fee.

IT IS SO ORDERED.

Dated: September 18, 2017

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE