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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL WHITFIELD,
Plaintiff,
v.
COUNTY OF FRESNO, et al.,
Defendants.

Case No. 1:17-cv-01155-AWI-BAM (PC)
**ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE AND FAILURE TO OBEY COURT
ORDER**
(ECF No. 5)

Plaintiff Michael Whitfield (“Plaintiff”) is a pretrial detainee proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on August 28, 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 September 1, 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. 4.) Plaintiff did not file objections. On September 26, 2017, the undersigned 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. 5). In that order, Plaintiff was warned that if he failed to pay the filing fee within the specified time, the action would be dismissed without further notice. (Id. at 2.) The deadline to pay the filing fee has expired, and Plaintiff has failed to comply.

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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).

ORDER

Based on the foregoing, this action is HEREBY DISMISSED, without prejudice, for Plaintiff’s failure to comply with the Court’s order of September 26, 2017, (ECF No. 5), and his failure to pay the filing fee.

IT IS SO ORDERED.

Dated: February 23, 2018



SENIOR DISTRICT JUDGE