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

JEFFREY T. HARDIN,	)	Case No.: 1:17-cv-01232 -LJO- JLT
	)	
Plaintiff,	)	ORDER DIRECTING PLAINTIFF TO PAY THE
	)	FILING FEE OR FILE A MOTION TO PROCEED
v.	)	IN FORMA PAUPERIS
	)	
DAVID WILSON, et al.,	)	
	)	
Defendants.	)	
	)	

Plaintiff initiated this action by filing a complaint on September 14, 2017. (Doc. 1) As a general rule, all parties instituting any civil action, suit or proceeding in a United States District Court must pay a filing fee. 28 U.S.C. § 1915(a). However, the Court may authorize the commencement of an action without the filing fee “by a person who submits an affidavit that includes a statement of all assets such [person] possesses that the person is unable to pay such fees or give security therefore.” 28 U.S.C. § 1915(a)(1). Therefore, an action may proceed despite a failure to prepay the filing fee only if leave to proceed *in forma pauperis* is granted by the Court. *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999).

Plaintiff failed to pay the requisite filing fee or to file a motion to proceed *in forma pauperis*, and the matter cannot proceed before the Court at this time. Accordingly, the Court **ORDERS:**

1. Plaintiff **SHALL** pay the filing fee *or* file a motion to proceed *in forma pauperis* within 21 days of service.

1 **Failure to comply with this order may result in dismissal of this action pursuant to Local Rule**  
2 **110.**

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4 IT IS SO ORDERED.

5 Dated: September 15, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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