

1 On March 26, 2019, following *de novo* review of the case, the undersigned adopted the
2 October 24, 2018 findings and recommendations and ordered plaintiff to pay the required filing
3 fee in full within twenty-one (21) days to proceed with this action. (Doc. No. 33.) Plaintiff was
4 warned that failure to pay the filing fee would result in dismissal of this action. (*Id.* at 3.) In lieu
5 of paying the filing fee, on April 8, 2019, plaintiff filed a second motion to proceed *in forma*
6 *pauperis* (Doc. No. 34), which the court declined on May 28, 2019 after construing plaintiff’s
7 filing as a motion for reconsideration of the court’s earlier order adopting the magistrate judge’s
8 findings and recommendations. (Doc. No. 35.) The court granted plaintiff an additional fourteen
9 (14) days to pay the required filing fee in full. (*Id.* at 4.) Plaintiff was again warned that failure
10 to pay the filing fee would result in dismissal of this action. (*Id.*)

11 Nearly a month after the deadline to pay the required filing fee, and again instead of
12 paying that fee, on July 12, 2019, plaintiff filed a notice of appeal of this court’s May 28, 2019
13 order denying plaintiff’s motion for reconsideration with the Ninth Circuit. (Doc. Nos. 38, 39.)
14 On January 24, 2020, the Ninth Circuit dismissed plaintiff’s appeal for lack of jurisdiction. (Doc.
15 No. 44.) Plaintiff moved for reconsideration of the Ninth Circuit’s dismissal of his appeal, that
16 motion was denied by that court on May 14, 2020, and its mandate was issued on May 22, 2020.
17 (Doc. Nos. 47, 48.)

18 Because plaintiff’s interlocutory appeal of this court’s May 28, 2019 order has been
19 resolved, and because plaintiff has still not paid the required filing fee as ordered, despite being
20 granted several opportunities to do so and despite being warned twice that his failure to do so
21 would result in dismissal of this action, the court will now dismiss this action.

22 Accordingly,

- 23 1. This action is dismissed without prejudice due to plaintiff’s failure to comply with
- 24 a court order and his failure to pay the required filing fee;
- 25 2. All pending motions in this action—including plaintiff’s two motions for orders
- 26 compelling discovery and his third motion to proceed *in forma pauperis* (Doc.
- 27 Nos. 37, 40, 43)—are denied as moot;

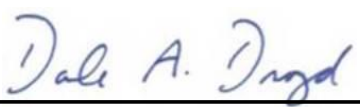
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- 3. The Clerk of the Court is directed to close this action; and
- 4. No further filings will be entertained in this closed case.

IT IS SO ORDERED.

Dated: May 28, 2020


UNITED STATES DISTRICT JUDGE