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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH RAYMOND McCOY,
Plaintiff,
v.
BROWN, et al.,
Defendants.

Case No. 1:18-cv-00545-AWI-BAM (PC)
**ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE AND FAILURE TO OBEY COURT
ORDER**
(ECF No. 19)

Plaintiff Joseph Raymond McCoy (“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 April 23, 2018. (ECF No. 1.)

On July 20, 2018, the assigned Magistrate Judge 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. 12.) Following two extensions of time, Plaintiff filed objections to the findings and recommendations on October 26, 2018. (ECF No. 17.) Plaintiff filed a supplemental objection on January 30, 2019. (ECF No. 18.)

On February 4, 2019, 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. 19). In that order, Plaintiff was warned that if he failed to pay the filing fee

1 within the specified time, the action would be dismissed without further notice. (Id. at 2.) The
2 deadline to pay the filing fee has expired, and Plaintiff has failed to comply.

3 Because Plaintiff has failed to obey the Court's order and pay the appropriate filing fee,
4 this case cannot proceed. This matter will be dismissed. See Ferdik v. Bonzelet, 963 F.2d 1258,
5 1260-61 (9th Cir. 1992).

6 **ORDER**

7 Based on the foregoing, this action is HEREBY DISMISSED, without prejudice, for
8 Plaintiff's failure to comply with the Court's order of February 4, 2019, (ECF No. 19), and his
9 failure to pay the filing fee.

10 IT IS SO ORDERED.

11 Dated: March 12, 2019

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13 SENIOR DISTRICT JUDGE

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