

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
3 including plaintiff's untimely objections, the court concludes that the findings and
4 recommendations are supported by the record and proper analysis.

5 In his objections, plaintiff does not dispute that he has sufficient funds to pay the filing fee
6 and instead claims that he has been trying to pay the \$400.00 filing fee to the court since
7 November 6, 2019, when he signed a form requesting a withdrawal from his prison trust account.
8 (Doc. No. 13 at 1.) Plaintiff asserts that his counselor approved a withdrawal from his trust
9 account on November 6, 2019, and raises the possibility that the filing fee was accidentally sent
10 to the U.S. District Court for the Northern District of California, the court in which he originally
11 filed his complaint. (*Id.*)

12 However, there is no record at this court or the Northern District that any payment was
13 received for the filing fee in this case. *See Potts v. Soleimani, et al.*, 4:19-cv-06645-KAW (PR)
14 (N.D. Cal. 2019). Plaintiff is advised to follow up with the trust account office at his prison to
15 determine whether the filing fee was withdrawn from his account and, if so, where it was mailed.
16 If plaintiff obtains evidence of what happened to the filing fee, he should file a declaration with
17 the court and submit a copy of the evidence.

18 Accordingly:

- 19 1. The findings and recommendations issued on November 15, 2019 (Doc. No. 10),
20 are adopted in full;
- 21 2. Plaintiff's application to proceed *in forma pauperis*, filed on October 16, 2019
22 (Doc. No. 2), is denied for failure to show indigence under 28 U.S.C. § 1915;
- 23 3. Within thirty days from the date of service of this order, plaintiff must pay the
24 \$400.00 filing fee in full in order to proceed with this action;

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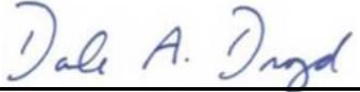
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4. Failure to comply with this order shall result in the dismissal of this action without prejudice to refile upon payment of the filing fee; and

5. This case is referred back to the magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: March 9, 2020


UNITED STATES DISTRICT JUDGE