

1 so insubstantial as to not warrant further review.” Doc. 20 (citing *in re Thomas*, 508 F.3d 1225
2 (9th Cir. 2007)). In light of the Ninth Circuit’s order, on March 3, 2023, the assigned magistrate
3 judge issued an order requiring that plaintiff pay the filing fee in full by April 14, 2023. Doc. 21.
4 Plaintiff failed to pay the filing fee as required.

5 Accordingly, on May 8, 2023, the assigned magistrate judge issued findings and
6 recommendations recommending that this case be dismissed without prejudice for failure to obey
7 the court’s order to pay the filing fee. Doc. 24. On May 23, 2023, plaintiff filed objections to the
8 findings and recommendations. Doc. 27. On June 5, 2023, plaintiff filed another motion to
9 proceed in forma pauperis and more objections to the findings and recommendations. Docs. 28,
10 29. On December 1, 2023, this matter was temporarily assigned to the No District Court Judge
11 docket due to the elevation of the then-assigned district judge to the Ninth Circuit. Doc. 30. On
12 March 13, 2024, the case was reassigned to the undersigned. Doc. 32.

13 Pursuant to 28 U.S.C. § 636(b)(1), this Court conducted a de novo review of this case.
14 Having carefully reviewed the matter, the Court concludes the findings and recommendations are
15 supported by the record and proper analysis and this case should be dismissed for plaintiff’s
16 failure to obey the court’s order to pay the filing fee in full.

17 In his objections, plaintiff does not dispute the magistrate judge’s analysis that plaintiff
18 has failed to obey a court order and that the *Pagtalunan* factors weigh in favor of dismissal. *See*
19 Docs. 27, 29 (citing *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002)). Rather, he argues
20 that the Court’s previous denial of plaintiff’s application to proceed in forma pauperis erred in
21 finding that plaintiff was not in imminent danger at the time he filed his complaint. *See* Docs. 27,
22 29. To the extent plaintiff is seeking reconsideration of the prior order denying him IFP status, he
23 fails to identify any new information or other basis for reconsideration, and the finding that
24 plaintiff was not in imminent danger at the time of his filing was not clearly erroneous. *See Zeyen*
25 *v. Bonneville Joint District, #93*, 114 F.4th 1129, 1138 (9th Cir. 2024) (court is bound by
26 previous decision in case unless it is clearly erroneous and would work a manifest injustice,
27 intervening controlling authority makes reconsideration appropriate, or substantially different
28 evidence was adduced at subsequent trial). Moreover, the Ninth Circuit dismissed his appeal of

1 the IFP denial as “insubstantial.” *See* Doc. 20.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations issued May 8, 2023, Doc. 24, are ADOPTED IN
4 FULL;
- 5 2. This matter is DISMISSED without prejudice for failure to obey the Court’s order to
6 pay the filing fee, issued March 3, 2023 (*see* ECF No. 21; *see also* Doc. 12); and
- 7 3. The Clerk of the Court is directed to terminate all pending motions and to close this
8 case.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: January 5, 2025


UNITED STATES DISTRICT JUDGE