

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD A. EVANS.

Plaintiff,

Y.

OURIQUE, et al.,

Defendants.

No. 1:22-cv-00026-ADA-BAM (PC)

ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE AND FAILURE TO OBEY COURT
ORDER

(ECF No. 18)

Plaintiff Richard A. Evans (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 6, 2022, the assigned Magistrate Judge issued findings and recommendations, recommending that Plaintiff's application to proceed *in forma pauperis* be denied because: (1) he is subject to the "three strikes" bar under 28 U.S.C. § 1915(g); and (2) the allegations of Plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to § 1915(g). (ECF No. 6.) The Magistrate Judge also recommended that Plaintiff be ordered to pay the required \$402.00 filing fee in full in order to proceed with this action. (*Id.* at 3.) Following several extensions of time, Plaintiff filed objections on March 24, 2022 and March 28, 2022. (ECF Nos. 12, 13.) On September 12, 2022, the Court adopted the findings and recommendations in full and ordered Plaintiff to pay the filing fee within twenty-one (21) days after service to proceed with this action. (ECF No. 18.) The Magistrate Judge denied Plaintiff's

1 request for an extension of time to pay the filing fee, (ECF No. 22), and, therefore, Plaintiff's
2 filing fee was due on or before October 6, 2022.

3 To date, Plaintiff has not paid the filing fee, and the deadline has expired. Plaintiff has not
4 otherwise communicated with the Court regarding payment of the filing fee. Because Plaintiff
5 has failed to obey the Court's order and pay the appropriate filing fee, this case cannot proceed.
6 This matter will be dismissed, without prejudice. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61
7 (9th Cir. 1992).

8 Accordingly,

- 9 1. This action is dismissed, without prejudice, for Plaintiff's failure to comply with the
10 Court's order, (ECF No. 18), and his failure to pay the filing fee; and
- 11 2. The Clerk of the Court is directed to terminate all pending motions and close this case.

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13 IT IS SO ORDERED.
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15 Dated: November 18, 2022



16 UNITED STATES DISTRICT JUDGE
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