

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,
Plaintiff,
v.
DAVID WOLF, et al.,
Defendants.

Case No. 1:22-cv-00955-ADA-SKO

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

(Doc. Nos. 3, 5)

Plaintiff Antoine Deshawn Barnes is a state prisoner proceeding *pro se* in this civil action, which he filed on August 1, 2022. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 4, 2022, the assigned Magistrate Judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* be denied pursuant to 28 U.S.C. § 1915(a) and (g) and that plaintiff be required to pay the \$402.00 filing fee in full to proceed with this action. (Doc. No. 3.) On September 6, 2022, the undersigned adopted the findings and recommendations in full and ordered plaintiff to pay the \$402.00 filing fee within thirty (30) days of the date of service. (Doc. No. 5.) In that order, plaintiff was also warned that if he failed to pay the filing fee within the specified time, the action would be dismissed. (*Id.* at 2.)

1 To date, plaintiff has not paid the required filing fee or requested an extension of time to
2 do so, and the deadline to pay the required filing fee has now passed.
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4 Accordingly,

5 1. This action is DISMISSED without prejudice due to plaintiff's failure to obey a
6 court order and to pay the required filing fee; and
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8 2. The Clerk of Court is directed to close this case.

9 IT IS SO ORDERED.

10 Dated: November 18, 2022

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UNITED STATES DISTRICT JUDGE

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