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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOHNNY QUINTANA
Plaintiff,
v.
D. ESCOBAR, *et al.*,
Defendants.

Case No. 1:24-cv-0258 JLT EPG (PC)
**ORDER ADOPTING IN FULL
FINDINGS AND RECOMMENDATIONS,
DISMISSING THE ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY THE
FILING FEE, AND DIRECTING THE CLERK
OF COURT TO CLOSE THE CASE**
(Doc. 8)

Johnny Quintana initiated this action, seeking to hold the defendants liable for violations of his civil rights during his incarceration at Avenal State Prison. (Doc. 1.) Plaintiff failed to pay the filing fee or apply to proceed *in forma pauperis* when he filed the complaint. The Court ordered him to take either action within 30 days. (Doc. 4.) The Court warned Plaintiff that “[f]ailure to comply with this order will result in dismissal of this action.” (*Id.* at 1, emphasis omitted.)

Plaintiff failed to take any action. Thus, the magistrate judge recommended the action be dismissed without prejudice. (Doc. 8.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections—or a completed *in forma pauperis* application—were due within 30 days. (*Id.* at 2.) The Court advised Plaintiff that the “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to

1 do so has passed.

2 Pursuant to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.

3 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
4 are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

5 1. The Findings and Recommendations issued on April 29, 2024 (Doc. 8) are
6 **ADOPTED** in full.

7 2. This case is **DISMISSED** without prejudice due to Plaintiff's failure to pay the
8 filing fee.

9 3. The Clerk of Court is directed to close this case.

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11 IT IS SO ORDERED.

12 Dated: **June 4, 2024**


UNITED STATES DISTRICT JUDGE

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