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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK J. BOOTH,
Plaintiff,
v.
TYSON POUGE,
Defendant.

No. 1:24-cv-00697 GSA (PC)
ORDER DIRECTING PLAINTIFF TO SHOW CAUSE WHY THIS MATTER SHOULD NOT BE DISMISSED FOR FAILURE TO OBEY A COURT ORDER
Fed. R. Civ. P 41(b); Local Rule 110
PLAINTIFF’S SHOWING OF CAUSE OR, IN THE ALTERNATIVE, AN IN FORMA PAUPERIS APPLICATION AND PRISON TRUST FUND ACCOUNT STATEMENT OR FILING FEE DUE AUGUST 8, 2024

Plaintiff, a county jail inmate proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

For the reasons stated below, Plaintiff will be ordered to show cause why this matter should not be dismissed for failure to obey a court order. As an alternative to filing a showing of cause, Plaintiff may either file an application to proceed in forma pauperis with a copy of his six-month prison trust fund account statement, or he may pay the filing fee in full.

1 I. BACKGROUND

2 Plaintiff's complaint was docketed in this Court on June 7, 2024. See ECF No. 1. On
3 June 17, 2024, the Court ordered Plaintiff either to complete an in forma pauperis application and
4 a six-month prison trust fund account statement or pay the filing fee in full. ECF No. 5 at 2.
5 Plaintiff was given thirty days to do so, and at that time he was cautioned that his failure to
6 comply with the order within the time allotted might result in a recommendation that this matter
7 be dismissed. Id. Plaintiff was also sent a copy of the in forma pauperis application. Id.

8 More than thirty days have now passed and Plaintiff has neither complied with, nor
9 responded to, the Court's order.

10 II. DISCUSSION

11 Before beginning any civil litigation, a party must either pay the filing fee in full (see 28
12 U.S.C. § 1914(a)-(b)) or apply for and be granted in forma pauperis status (see 28 U.S.C. §
13 1915(a)(1)-(2)). Plaintiff has done neither. Therefore, the Court is unable to consider his
14 complaint.

15 For these reasons, Plaintiff will be ordered to show cause why this matter should not be
16 dismissed for failure to obey a court order. In the alternative, Plaintiff may file the in forma
17 pauperis application with the six-month prison trust fund account statement, or he may pay the
18 filing fee in full.

19 Accordingly, IT IS HEREBY ORDERED that:

20 1. Plaintiff is ordered to SHOW CAUSE why this matter should not be dismissed for
21 failure to obey a court order. Fed. R. Civ. P 41(b); Local Rule 110.

22 2. In lieu of filing a showing of cause, Plaintiff may either:

23 a. File an application to proceed in forma pauperis along with a copy of his six-
24 month trust fund account statement, or

25 b. Pay the filing fee in full.

26 3. Plaintiff shall have fourteen days – **until August 8, 2024**, – to take either course of
27 action.

28 **Plaintiff is warned that failure to timely comply with this order may result in a**

1 **recommendation that this matter be dismissed.**

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IT IS SO ORDERED.

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Dated: July 25, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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