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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDUARDO DACUMOS,

Plaintiff,

No. 2:10-cv-00854 FCD KJN PS

v.

WORLD SAVINGS BANK,

Defendant.

ORDER

_____ /

Plaintiff, who is proceeding without counsel and has not paid the fee ordinarily required to file an action in this court, previously filed an incomplete application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). (See Dkt. No. 2). Because the incomplete application prevented the court from properly evaluating whether plaintiff should be granted leave to proceed in forma pauperis, the undersigned granted plaintiff twenty-one days within which to either: (1) file a completed application to proceed in forma pauperis, or (2) file the appropriate initial filing fee of \$350.00. (Dkt. No. 3.) Plaintiff did not submit a completed application or the appropriate initial filing fee. As a result, the undersigned entered proposed findings and recommendations that recommended the denial of plaintiff's application to proceed in forma pauperis, and that plaintiff be provided twenty-one days within which to pay the appropriate initial filing fee. (Dkt. No. 4.)

1 On June 28, 2010, plaintiff filed: (1) objections to the proposed findings and
2 recommendations, and (2) a second application to proceed in forma pauperis. (Dkt. Nos. 5, 6.)
3 Plaintiff's objections explain that, due to certain physical limitations including partial paralysis
4 and significant visual impairment, he relies on others to check and retrieve his mail and that
5 correspondence from the court regarding his incomplete application to proceed in forma pauperis
6 "was inadvertently overlooked and was not given to the plaintiff in time." (Dkt. No. 6 at 2.)

7 The undersigned concludes the reasons provided by plaintiff support vacating the
8 previously filed findings and recommendations. Plaintiff is informed, however, that future
9 failures to comply with court orders, the court's local rules, or the rules of civil procedure may
10 result in the dismissal of his case. See Fed. R. Civ. P. 41(b); Local Rules 110, 183(a); see Hells
11 Canyon Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
12 (recognizing that courts may dismiss an action pursuant to Federal Rule of Civil Procedure 41(b)
13 *sua sponte* for a plaintiff's failure to prosecute or comply with the rules of civil procedure or the
14 court's orders); Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam) ("Failure to follow
15 a district court's local rules is a proper ground for dismissal."); King v. Atiyeh, 814 F.2d 565,
16 567 (9th Cir. 1987) ("Pro se litigants must follow the same rules of procedure that govern other
17 litigants.").

18 For the foregoing reasons, IT IS HEREBY ORDERED that:

19 1. The previously filed findings and recommendations are vacated (Dkt.
20 No. 4).

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