

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LATWAHN MCELROY,  
Plaintiff,  
v.  
CDCR, et al.,  
Defendants.

No. 2:17-cv-0485 WBS CKD P

FINDINGS AND RECOMMENDATION

Plaintiff is a California prisoner proceeding pro se. On April 27, 2017, plaintiff was ordered to pay the \$400 filing fee for this action within 14 days. Plaintiff was warned that failure to pay the filing fee within the allotted time would result in a recommendation that this action be dismissed without prejudice. Plaintiff has not paid the filing fee. Instead, plaintiff filed another motion to proceed in forma pauperis. (ECF No. 14).

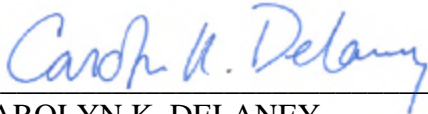
Accordingly, IT IS HEREBY RECOMMENDED that:

1. Plaintiff’s renewed motion to proceed in forma pauperis (ECF No. 14) be denied for the reasons stated in this court’s order dated April 27, 2017;
2. All other pending motions and requests be denied as moot (ECF No. 10, 13); and
3. This action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

1 after being served with these findings and recommendations, plaintiff may file written objections  
2 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings  
3 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
4 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
5 (9th Cir. 1991).

6 Dated: May 25, 2017

7   
8 \_\_\_\_\_  
9 CAROLYN K. DELANEY  
10 UNITED STATES MAGISTRATE JUDGE  
11  
12  
13

14 12/mcel0485.fifp.docx  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28