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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,
Plaintiff,
v.
CMF WARDEN, et al.,
Defendants.

No. 2:17-cv-1335 AC P

ORDER

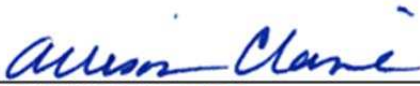
Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983 and has consented to the jurisdiction of the undersigned magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c) and Local Rule 305(a). ECF No. 3. By order filed July 20, 2017, plaintiff was ordered to submit an application to proceed in forma pauperis or pay the \$400.00 filing fee within thirty days. ECF No. 5. After thirty days passed and plaintiff failed to respond to the order,¹ he was given an additional twenty-one days to comply with the July 20, 2017 order. ECF No. 8. He was further warned that failure to comply would result in this case being dismissed without further warning. Id. Twenty-one days have now passed and plaintiff has again failed to submit an application to proceed in forma pauperis or pay the filing fee. Instead, he has filed a request to expedite the proceedings in this case. ECF No. 9. The request makes no

¹ Although the Clerk of the Court has filed two letters from plaintiff since the order was issued, it appears that the letters were sent prior to plaintiff’s receipt of the order. See ECF Nos. 6, 7.

1 mention of the court's orders directing him to submit an in forma pauperis application or pay the
2 filing fee. Id. Plaintiff has twice ignored orders from this court and was explicitly warned that
3 failing to comply with the orders would result in dismissal of this case.

4 Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice
5 for failure to comply with the court's orders to submit an application to proceed in forma pauperis
6 or pay the filing fee.

7 DATED: October 10, 2017

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10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
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