

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

LANCE WILLIAMS,
Plaintiff,
v.
MATILDA PASSINI, et al.,
Defendants.

No. 2:17-cv-01362 KJM CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. By order filed February 1, 2018, plaintiff’s motion for in forma pauperis status was denied after this court determined that he had previously filed three or more civil actions that were dismissed as “frivolous, malicious, or fail[ed] to state a claim...” See 28 U.S.C. § 1915(g). This court also concluded that plaintiff’s allegations in the complaint did not meet the imminent danger exception that would allow his case to proceed without payment of the filing fees. As a result, plaintiff was ordered to pay the \$400 filing fee for this civil action within fourteen days. Plaintiff was cautioned that his failure to pay the filing fee would result in a recommendation that this action be dismissed. The fourteen day period has now expired, and plaintiff has not responded to the court’s order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
3 after being served with these findings and recommendations, any party may file written
4 objections with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
6 objections shall be served and filed within fourteen days after service of the objections. The
7 parties are advised that failure to file objections within the specified time may waive the right to
8 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9 Dated: March 19, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

10
11
12
13
14
15
16
17 12/will1362.fifp.docx
18
19
20
21
22
23
24
25
26
27
28