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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK BLACKSHIRE,
Plaintiff,
v.
CITY OF SACRAMENTO, et al.,
Defendants.

No. 2:17-cv-1531-MCE-KJN PS

ORDER

On September 26, 2017, the court denied plaintiff’s motion to proceed *in forma pauperis*, which had not been properly completed. (ECF No. 4.) However, the court also provided plaintiff with 28 days to either pay the filing fee or file a properly completed motion to proceed *in forma pauperis*. (Id.) Plaintiff was cautioned that failure to timely comply with the order may result in dismissal of the action pursuant to Federal Rule of Civil Procedure 41(b). (Id.)

Although the applicable deadline has passed, plaintiff failed to either pay the filing fee or file a properly completed motion to proceed *in forma pauperis*, nor did plaintiff request an extension of time supported by good cause. As such, the court has considered whether the action should be dismissed at this juncture. Nevertheless, in light of plaintiff’s *pro se* status, and the court’s desire to resolve the action on the merits, the court first attempts lesser, monetary sanctions.

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Accordingly, IT IS HEREBY ORDERED that:

1. Within 21 days of this order, plaintiff shall pay \$100.00 in monetary sanctions to the Clerk of Court based on his failure to comply with the court's orders and failure to prosecute the case.
2. Within 21 days of this order, plaintiff shall either pay the applicable filing fee or file a properly completed motion to proceed *in forma pauperis*.
3. In the alternative, if plaintiff concludes that he no longer wishes to pursue the action at this time, he may file a notice of voluntary dismissal of the action without prejudice, in lieu of paying the sanctions and paying the filing fee/filing an amended motion to proceed *in forma pauperis*.
4. Failure to timely comply with this order will result in dismissal of the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: October 31, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE