

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

JONATHAN M.D. SCHNELL,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

No. 2:17-cv-1941-KJN

ORDER

On October 27, 2017, the court denied plaintiff’s motion to proceed *in forma pauperis* and directed plaintiff to pay the applicable filing fee within 28 days, noting that the court would entertain a request for a reasonable extension of time to pay the fee should such an extension be necessary. (ECF No. 3.) However, plaintiff was expressly cautioned that failure to timely pay the filing fee, or timely request an extension of time to do so, may result in dismissal of the action pursuant to Federal Rule of Civil Procedure 41(b). (Id.)

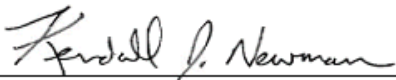
Although the applicable deadline has now long passed, plaintiff, who is represented by counsel, failed to either pay the filing fee or request an extension of time. Consequently, the court has considered whether the action should be dismissed at this juncture. Nevertheless, in light of the court’s desire to resolve the action on the merits and avoid the harsh sanction of

1 dismissal, the court first imposes lesser monetary sanctions.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. Within fourteen (14) days of this order, plaintiff's counsel shall personally pay the  
4 Clerk of Court \$250.00 in monetary sanctions based on his failure to comply with  
5 court orders and deadlines. Plaintiff's counsel shall not attempt to recover the amount  
6 of such sanctions from his client, directly or indirectly.
- 7 2. Within fourteen (14) days of this order, plaintiff shall pay the applicable filing fee or  
8 file a request for voluntary dismissal of the action without prejudice.
- 9 3. Failure to timely comply with the terms of this order will result in dismissal of the  
10 action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

11 Dated: January 2, 2018

12   
13 \_\_\_\_\_  
14 KENDALL J. NEWMAN  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28