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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

No. 2:23-cv-00465-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF'S FAILURE
TO PAY FILING FEE

(Doc. No. 7)

Plaintiff Michael Overton is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 10, 2023, the court directed plaintiff to either file an *in forma pauperis* affidavit or pay the required \$402.00 filing fee within thirty (30) days in order to proceed with this action. (Doc. No. 5 at 1.) To date, plaintiff has not filed an *in forma pauperis* affidavit nor has he paid the required filing fee.

Accordingly, on May 23, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to file a completed application to proceed *in forma pauperis*, or, in the alternative, to pay the required filing fee. (Doc. No. 7.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were

1 to be filed within fourteen (14) days after service. (*Id.* at 2.) To date, no objections to the
2 findings and recommendations have been filed, and the time in which to do so has now passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
5 findings and recommendations are supported by the record and by proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations issued on May 23, 2023 (Doc. No. 7) are
8 adopted in full;
- 9 2. This action is dismissed, without prejudice, due to plaintiff's failure to file a
10 completed application to proceed *in forma pauperis*, or, in the alternative, to pay
11 the required filing fee; and
- 12 3. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: July 7, 2023

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17 UNITED STATES DISTRICT JUDGE

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