

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

THOMAS JOSEPH MELGER,
Plaintiff,
v.
GAVIN NEWSOM, et al.,
Defendants.

No. 2:23-cv-00515 KJM DB P

FINDINGS AND RECOMMENDATIONS

By order filed September 6, 2023, plaintiff was found ineligible for in forma pauperis status under 28 U.S.C. § 1915(g) and was ordered to pay the filing fee in order to proceed with this action. Plaintiff was cautioned that failure to do so would result in a recommendation that this action be dismissed. The twenty-one day period granted for that purpose has expired. Plaintiff has not responded to the court’s order and has not paid the filing fee.

For the reasons set forth above, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21) days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that

1 failure to file objections within the specified time may waive the right to appeal the District
2 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 Dated: October 12, 2023

4
5
6 
7 DEBORAH BARNES
8 UNITED STATES MAGISTRATE JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
DLB7
melg0515.fifp