

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  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

DEANNA RAE PORTER-WEESE-HEFT,  
Plaintiff,  
v.  
HELLS ANGELS MOTORCYCLE SAN  
JOSE CHAPTER,  
Defendant.

Case No. 15-cv-03201-BLF

**ORDER SETTING DEADLINE FOR  
PAYMENT OF FILING FEE**

On July 10, 2015, Plaintiff filed the complaint in this action along with an application to proceed in forma pauperis. On August 20, 2015, the then-assigned magistrate judge issued an order denying Plaintiff's application to proceed in forma pauperis as incomplete. *See* Order Denying Without Prejudice Plaintiff's Application to Proceed In Forma Pauperis, ECF 8. The order stated expressly that the denial was without prejudice and it granted Plaintiff fourteen days to file a renewed application to proceed in forma pauperis. *Id.* Plaintiff did not file a renewed application within the time provided and still has not filed a renewed application.

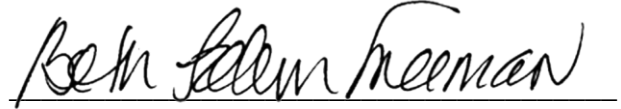
Plaintiff therefore must pay the filing fee of \$400.00 if she wishes to proceed with this case. If Plaintiff does not pay the filing fee on or before October 27, 2015, the case will be dismissed without prejudice under Federal Rule of Civil Procedure 41(b). *See* Fed. R. Civ. P. 41(b) (providing for dismissal if plaintiff fails to prosecute action or to comply with the Federal Rules of Civil Procedure or a court order); *Madden v. Badgett*, 122 F.3d 1072 (Table), 1997 WL 556361, at \*1 (9th Cir. Aug. 29, 1997) (affirming dismissal of action under Rule 41(b) where plaintiff failed to pay the filing fee or to submit prison trust account statement); *Soto v. Hayes*, No.

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

C-94-0098-VRW, 1995 WL 150572, at \*1 (N.D. Cal. Mar. 20, 1995) (dismissing action under Rule 41(b) for failing to pay the filing fee).

**IT IS SO ORDERED.**

Dated: October 13, 2015



BETH LABSON FREEMAN  
United States District Judge