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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN JOSE DIVISION**
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10 SHELTON HICKERSON, et al.,

11 Plaintiffs,

12 v.

13 BOARD OF VETERANS APPEALS, et al.,

14 Defendants.
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Case No. 16-cv-04388-BLF

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

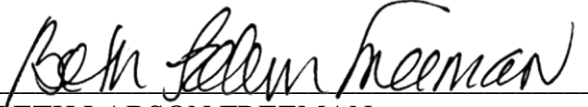
16 On August 2, 2016, Plaintiff filed the complaint in this action along with an application to
17 proceed in forma pauperis. On August 23, 2016, the Court issued an order denying Plaintiff's
18 application to proceed in forma pauperis as incomplete. *See* Order Re Application to Proceed In
19 Forma Pauperis, ECF 10. The order stated expressly that the denial was without prejudice and it
20 granted Plaintiff until September 6, 2016 to file a renewed application to proceed in forma
21 pauperis. *Id.* Plaintiff did not file a renewed application within the time provided and still has not
22 filed a renewed application.

23 Plaintiff therefore must pay the filing fee of \$400.00 if she wishes to proceed with this
24 case. If Plaintiff does not pay the filing fee on or before October 12, 2016, the case will be
25 dismissed without prejudice under Federal Rule of Civil Procedure 41(b). *See* Fed. R. Civ. P.
26 41(b) (providing for dismissal if plaintiff fails to prosecute action or to comply with the Federal
27 Rules of Civil Procedure or a court order); *Madden v. Badgett*, 122 F.3d 1072 (Table), 1997 WL
28 556361, at *1 (9th Cir. Aug. 29, 1997) (affirming dismissal of action under Rule 41(b) where

1 plaintiff failed to pay the filing fee or to submit prison trust account statement); *Soto v. Hayes*, No.
2 C-94-0098-VRW, 1995 WL 150572, at *1 (N.D. Cal. Mar. 20, 1995) (dismissing action under
3 Rule 41(b) for failing to pay the filing fee).

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5 **IT IS SO ORDERED.**

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7 Dated: September 12, 2016

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9 BETH LABSON FREEMAN
United States District Judge