

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 MICHAEL WILLIAMS,  
12 CDCR # T-30101,

13 Plaintiff,

14 vs.

15  
16 DR. A. SANGHA; JOHN DOE 1;  
17 JOHN DOE 2; JANE AND/OR  
18 JOHN DOES 1-50,

19 Defendants.

Civil No. 12cv1449 WQH (NLS)

**ORDER DISMISSING CIVIL  
ACTION WITHOUT PREJUDICE  
FOR FAILING TO PAY  
FILING FEE REQUIRED  
BY 28 U.S.C. § 1914(a) AND/OR  
FAILING TO MOVE TO PROCEED  
IN FORMA PAUPERIS  
PURSUANT TO  
28 U.S.C. § 1915(a)**

20 Plaintiff, an inmate currently incarcerated at Centinela State Prison located in Imperial,  
21 California, and proceeding pro se, initially filed this civil rights action pursuant to 42 U.S.C.  
22 § 1983 in the Northern District of California. [ECF No. 1.] United States District Judge Yvonne  
23 Gonzalez Rogers determined that venue was proper in the Southern District of California and  
24 transferred the matter on June 13, 2012. After the matter was transferred, Plaintiff filed a First  
25 Amended Complaint. [ECF No. 7.]

26 **I. FAILURE TO PAY FILING FEE OR REQUEST IFP STATUS**

27 All parties instituting any civil action, suit or proceeding in any district court of the  
28 United States, except an application for writ of habeas corpus, must pay a filing fee of \$350. *See*

1 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay this filing fee only  
2 if the party is granted leave to proceed *in forma pauperis* ("IFP") pursuant to 28 U.S.C.  
3 § 1915(a). See *Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); *Rodriguez v. Cook*,  
4 169 F.3d 1176, 1177 (9th Cir. 1999).

5 Because Plaintiff has neither prepaid the \$350 filing fee mandated by 28 U.S.C. § 1914(a)  
6 to commence a civil action; nor filed a Motion to Proceed *In Forma Pauperis* ("IFP") pursuant  
7 to 28 U.S.C. § 1915(a), this action case must be dismissed pursuant to 28 U.S.C. § 1914(a). *Id.*

8 **II. Conclusion and Order**

9 For the reasons set forth above, the Court hereby:

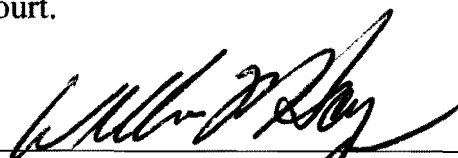
10 (1) **DISMISSES** this action sua sponte without prejudice for failing to pay the \$350  
11 filing fee or file a Motion to Proceed IFP pursuant to 28 U.S.C. §§ 1914(a) and 1915(a); and

12 (2) **GRANTS** Plaintiff **forty five (45)** days leave from the date this Order is filed to:  
13 (a) prepay the entire \$350 civil filing fee in full; *or* (b) complete and file a Motion to Proceed  
14 IFP which includes a certified copy of his trust account statement for the 6-month period  
15 preceding the filing of his Complaint. See 28 U.S.C. § 1915(a)(2); S.D. CAL. CIVLR 3.2(b).

16 **IT IS FURTHER ORDERED** that the Clerk of the Court shall provide Plaintiff with this  
17 Court's approved form "Motion and Declaration in Support of Motion to Proceed *In Forma*  
18 *Pauperis*." If Plaintiff fails to either prepay the \$350 civil filing fee or complete and submit the  
19 enclosed Motion to Proceed IFP within that time, this action shall remain dismissed without  
20 prejudice and without further Order of the Court.

21  
22 DATED: \_\_\_\_\_

7/2/12



23 HON. WILLIAM O. HAYES  
24 United States District Judge