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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

EDWARD CALLENDER,  
  
Plaintiff,  
  
v.  
  
RIVERSIDE COUNTY SHERIFF'S  
DEPARTMENT,  
  
Defendants.

Case No. 17-cv-00248-BAS-JLB  
**ORDER DISMISSING  
COMPLAINT WITHOUT  
PREJUDICE**

On February 7, 2017, Plaintiff Edward Callender brought this claim against Defendant Riverside County Sheriff Department alleging what appears to be a violation of the Americans with Disabilities Act. (ECF No. 1.) In the ensuing two months, however, Plaintiff has neither paid the requisite filing fees, nor filed a request to proceed *in forma pauperis* (“IFP”).

With the exception of prisoners petitioning for writ of habeas corpus, any party instituting a civil action in federal district court must pay filing and administrative fees totaling \$400. *See* 28 U.S.C. § 1914(a) (“The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court . . . to pay a filing fee of \$350[.]”); Judicial Conference Schedule of Fees, District Court Misc. Fee

1 Schedule ¶ 14 (eff. Dec. 1, 2016) (“Administrative fee for filing civil action, suit, or  
2 proceeding in a district court [is] \$50.”) “Where a litigant fails to file such a fee, it is  
3 within the power of the court to dismiss the action.” *Vafiadis v. Small Bus. Admin.*,  
4 No. C-94-1909 DLJ, 1994 WL 412435, at \*1 (N.D. Cal. July 28, 1994) (citation  
5 omitted). Here, Plaintiff has not paid the requisite \$400 in fees, nor has he submitted  
6 a properly supported motion to proceed IFP. Accordingly, the Court **DISMISSES** this  
7 action sua sponte without prejudice. Plaintiff is granted forty-five (45) days leave from  
8 the date this Order is filed to (a) pay the required filing fees; or (b) complete and  
9 submit a motion to proceed IFP.

10 The Clerk shall close the file.

11 **IT IS SO ORDERED.**

12  
13 **DATED: April 14, 2017**

14   
15 **Hon. Cynthia Bashant**  
16 **United States District Judge**