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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 ALEX GRIFFIN,

12 Plaintiff,

13 v.

14 OFFICER SMITH,

15 Defendant.  
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Case No.: 17-CV-2272-JLS-KSC

**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 Alex Griffin (“Plaintiff”), proceeding pro se, has filed a civil rights action, (ECF No.  
21 1).

22 **I. Failure to Pay Filing Fee or Request IFP Status**

23 All parties instituting any civil action, suit or proceeding in a district court of the  
24 United States, except an application for writ of habeas corpus, must pay a filing fee of  
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1 \$400. *See* 28 U.S.C. § 1914(a).<sup>1</sup> An action may proceed despite a plaintiff’s failure to  
2 prepay the entire fee only if he is granted leave to proceed *In Forma Paurperis* (“IFP”)  
3 pursuant to 28 U.S.C. § 1915(a). *See Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir.  
4 2007); *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). However, if the Plaintiff  
5 is a prisoner, and even if he is granted leave to commence his suit IFP, he remains obligated  
6 to pay the entire filing fee in “increments,” *see Williams v. Paramo*, 775 F.3d 1182, 1185  
7 (9th Cir. 2015), regardless of whether his case is ultimately dismissed. *See* 28 U.S.C.  
8 § 1915(b)(1) & (2); *Taylor v. Delatoore*, 281 F.3d 844, 847 (9th Cir. 2002).

9 Plaintiff has not prepaid the \$400 in filing and administrative fees required to  
10 commence this civil action, nor has he submitted a properly supported Motion to Proceed  
11 IFP pursuant to 28 U.S.C. § 1915(a). Therefore, his case cannot yet proceed. *See* 28 U.S.C.  
12 § 1914(a); *Andrews*, 493 F.3d at 1051.

## 13 **II. Conclusion and Order**

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

15 (1) **DISMISSES WITHOUT PREJUDICE** this action sua sponte for failure to  
16 pay the \$400 civil filing and administrative fee or to submit a Motion to Proceed IFP  
17 pursuant to 28 U.S.C. §§ 1914(a) and 1915(a); and

18 (2) **GRANTS** Plaintiff forty-five (45) days leave from the date this Order is filed  
19 to: (a) prepay the entire \$400 civil filing and administrative fee in full; or (b) complete and  
20 file a Motion to Proceed IFP which includes a certified copy of his trust account statement  
21 for the 6-month period preceding the filing of his Complaint. *See* 28 U.S.C. § 1915(a)(2);  
22 Civil Local Rule 3.2(b).

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26 <sup>1</sup> In addition to the \$350 statutory fee, civil litigants must pay an additional administrative fee of \$50. *See*  
27 28 U.S.C. § 1914(a) (Judicial Conference Schedule of Fees, District Court Misc. Fee Schedule, § 14 (eff.  
Dec. 1, 2014)). The additional \$50 administrative fee does not apply to persons granted leave to proceed  
IFP. *Id.*

