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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SHAWN W. MCCLUNG,

Plaintiff,

v.

AZTEC INN CASINO, LTD.,

Defendant.

Case No. 2:16-cv-00382-JAD-CWH

REPORT AND RECOMMENDATION

This matter is before the court on Plaintiff Shawn W. McClung’s failure to comply with the court’s order (ECF No. 4).

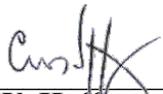
On May 17, 2017, the court denied Plaintiff’s application to proceed *in forma pauperis* and required Plaintiff to pay the \$400.00 filing fee by June 16, 2017. (Order (ECF No. 4) at 2.) Plaintiff was advised that failure to pay the filing fee would result in a recommendation that his case be dismissed without prejudice. (*Id.*) To date, Plaintiff has not paid the filing fee.

IT IS THEREFORE RECOMMENDED that Plaintiff Shawn W. McClung’s case be dismissed without prejudice.

NOTICE

This report and recommendation is submitted to the United States district judge assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the district court’s order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

DATED: June 21, 2017



C.W. Hoffman, Jr.
United States Magistrate Judge