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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LUIS TOPETE,
Plaintiff,
vs.
DR. FAIRCHILD, DDS, *et al.*,
Defendants.

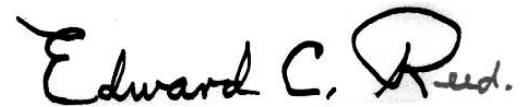
Case No. 3:09-cv-0616-ECR-VPC

ORDER

On November 3, 2009, the Court ordered that Plaintiff file an application to proceed *in forma pauperis* or pay the filing fee of three hundred fifty dollars (\$350.00) by December 5, 2009. (#3). On December 15, 2009, the Court granted Plaintiff an extension in which to comply with the Court's prior order. (#4). Plaintiff had up to and including January 5, 2010, in which to submit a new Application to Proceed *in Forma Pauperis* or pay the \$350.00 filing fee in full. The Court further advised Plaintiff that failure to comply with the Court's order would result in dismissal of his action. Plaintiff has not submitted a new Application to Proceed *in Forma Pauperis* or paid the \$350.00 filing fee in full. Plaintiff has failed to comply with the Court's order.

IT IS THEREFORE ORDERED that this action shall be **DISMISSED** without prejudice. The Clerk of the Court shall enter final judgment accordingly.

DATED: January 19, 2010


UNITED STATES DISTRICT JUDGE