

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GRACIANO MEZA SANCHEZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:16CV492
	)	
FRANK PERRY,	)	
	)	
	)	
Repondent.	)	

MEMORANDUM OPINION AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE

This matter is before the Court *sua sponte* on Petitioner’s failure to comply with this Court’s Orders [Doc. #3, #4] entered on September 21, 2016, and November 3, 2016, ordering him to pay the \$5.00 filing fee in this action. For the reasons set out below, the Court recommends that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

This Court stayed this action for 30 days on September 21, 2016, and ordered Petitioner to submit the \$5.00 filing fee within the next 30 days. (Order to File and Stay [Doc. #3].) The Court warned Petitioner that failure to pay the fee would result in this action being dismissed without prejudice. The 30-day period has now expired, and Petitioner has not paid the filing fee. Further, the Court entered an additional Order on November 3, 2016, ordering Petitioner again to pay the \$5.00 filing fee within ten days and warning him again that the action would be dismissed for non-compliance. That ten-day period has now passed, and Petitioner has not paid

