

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HONG MANH NGUYEN, vs. RIVER CASINO,))))))))	Plaintiff, Civil Action No. 14-683 Judge Mark R. Hornak/ Chief Magistrate Judge Maureen P. Kelly Defendant.
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ORDER

Hong Manh Nguyen (“Plaintiff”) filed a Motion for Leave to Proceed In Forma Pauperis (“the IFP Motion”), ECF No. 1, in order to prosecute a civil complaint against “River Casino,” a gaming establishment in Pittsburgh, Pennsylvania. The Court denied the IFP Motion and ordered Plaintiff to pay the full filing fee by a date certain because the record showed Plaintiff had sufficient funds to pay the filing fee. ECF No. 3. Plaintiff failed to pay the filing fee by the required deadline and a Report and Recommendation was filed on September 26, 2014, ECF No. 7, recommending dismissal of the case for Plaintiff’s failure to prosecute. Objections to the Report were due on October 14, 2014. Plaintiff filed objections to the Report, ECF No. 8, in which Plaintiff indicated that “I will be able to pay a filing fee now by credit card.” *Id.* at 1.

In light of the foregoing, the Report and Recommendation is hereby withdrawn and Plaintiff is **ORDERED** to pay the filing fee by October 31, 2014 or the case will be dismissed without further warning for Plaintiff’s failure to prosecute.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any

appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

Date: October 20, 2014

s/Maureen P. Kelly
MAUREEN P. KELLY
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: The Honorable Mark R. Hornak
United States District Judge

Hong M. Nguyen
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