

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jan 17, 2017

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AARON JOSEPH CUNNINGHAM,

Plaintiff,

v.

DR. JOHNSON,

Defendant.

NO: 2:16-CV-0346-SMJ

ORDER DISMISSING ACTION

By Order filed December 16, 2016, the Court directed Plaintiff to submit a new application to proceed *in forma pauperis*, as required by 28 U.S.C. § 1915(a)(1), or to pay the \$400 fee (\$350 filing fee and \$50 administrative fee) to commence this action. ECF No. 7. Plaintiff did not comply with this directive and has filed nothing further.


The Court must assume that Plaintiff has chosen to abandon this litigation. Therefore, **IT IS ORDERED** this action is **DISMISSED WITHOUT PRJEUDEICE** for failure to prosecute, pursuant to Fed.R.Civ.P. 41(b).

ORDER DISMISSING ACTION -- 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

**IT IS SO ORDERED.** The District Court Executive is directed to enter this  
Order, enter judgment, forward a copy to Plaintiff at the Spokane Valley address  
provided, and close the file.

**DATED** this 17th day of January 2017.

  
SALVADOR MENDEZ, JR.  
United States District Judge