

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

Aug 29, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JARED ANTHONY WINTERER,

Plaintiff,

v.

UNITED STATES,

Defendant.

NO: 2:24-CV-00214-RMP

ORDER DISMISSING ACTION FOR  
FAILURE TO COMPLY WITH  
FILING FEE REQUIREMENTS

By Order filed July 25, 2024, the Court directed Plaintiff Jared Anthony Winterer, a *pro se* prisoner at the Washington Corrections Center in Shelton, Washington, to submit a completed Declaration and Application to Proceed *In Forma Pauperis*, along with a certified copy of his six-month inmate trust account statement (or institutional equivalent) for the period immediately preceding June 20, 2024, within thirty days of the date of that Order. ECF No. 4 at 2. In the alternative, Plaintiff was advised that he could pay the full \$405.00 filing fee. *Id.*

The Court cautioned Plaintiff that his failure to comply with either option would result in the dismissal of this case. *Id.* Plaintiff has neither paid the filing

1 fee nor submitted the documents necessary to proceed *in forma pauperis* by the  
2 due date of August 26, 2024.

3 Parties filing actions in the United States District Court are required to pay  
4 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate  
5 payment of a filing fee only upon granting of *in forma pauperis* status. See 28  
6 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of  
7 these actions without prejudice. See *Olivares v. Marshall*, 59 F.3d 109, 112 (9th  
8 Cir. 1995) (district court has authority to dismiss without prejudice prisoner  
9 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890  
10 (9th Cir. 1992) (affirming dismissal of appeal of *pro se* litigant for failure to pay  
11 required filing fees).

12 Accordingly, **IT IS ORDERED** that this action is **DISMISSED** without  
13 prejudice for failing to pay the filing fee or filing a properly completed Application  
14 to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

15 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
16 Order, enter judgment, forward copies to Plaintiff at the address provided, and  
17 **CLOSE** the file. The Court certifies that an appeal of this Order could not be  
18 taken in good faith.

19 **DATED** August 29, 2024.

20 s/ Rosanna Malouf Peterson  
21 ROSANNA MALOUF PETERSON  
Senior United States District Judge