

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

L.C. Cunningham v. Lopez

No. 1:25-cv-01453-KES-SAB (PC), Doc. 9 · No. No. 1:25-cv-01453-KES-SAB (PC) · Decided January 15,
2026

SUMMARY

The United States District Court for the Eastern District of California dismissed L.C. Cunningham’s 42 U.S.C. § 1983 action without prejudice after he failed to pay the required filing fee. The court directed the Clerk to close the case, relying on the prior order denying in forma pauperis status and requiring payment.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 L.C. CUNNINGHAM, No. 1:25-cv-01453-KES-SAB (PC) 12 Plaintiff,
ORDER DISMISSING ACTION WITHOUT PREJUDICE FOR FAILURE TO PAY THE 13 v.
FILING FEE 14 LOPEZ, Doc. 9 15 Defendant. 16 17 18 Plaintiff is proceeding pro se in this
action filed pursuant to 42 U.S.C. § 1983.

On 19 November 5, 2025, the assigned magistrate judge issued findings and recommendations 20 recommending that plaintiff’s application to proceed in forma pauperis be denied. Doc. 8. On 21 December 5, 2025, the Court adopted the findings and recommendations and ordered plaintiff to 22 pay the \$405.00 filing fee in full within thirty (30) days. 1 Doc. 9. Plaintiff was warned that if he 23 failed to pay the filing fee within the specified time, this action would be dismissed without 24 further notice.

Id. at 2. Despite the Court’s warning, plaintiff has failed to pay the required filing 25 fee and the deadline for him to do so has expired. Without such payment, the action cannot 26 27 1 The order adopting findings and recommendations was returned as “Undeliverable, Unclaimed, RTS” on December 16, 2025. Nevertheless, the Court’s service is deemed fully effective 28 pursuant to Local Rule 182(f).

1 | proceed before the Court. See *Saddozai v. Davis*, 35 F.4th 705, 709 (9th Cir. 2022). 2 Accordingly, 3 1. This action is dismissed without prejudice; and 4 2. The Clerk of the Court is directed to close this case. 5 6 7 | ITISSO ORDERED. _ 8 Dated: _ January 15, 2026 4h 9 UNITED STATES DISTRICT JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

