

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Flynn v. County of Tuolumne

Flynn · No. 2:24-cv-2265-DJC-JDP (PS) · Decided July 14, 2025

SUMMARY

The magistrate judge recommends closing the case because plaintiff failed to pay the required filing fee after his application to proceed in forma pauperis was denied. The recommendation follows an earlier order granting plaintiff additional time to pay and advises the parties of the deadline and consequences for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 14, 2025
DOCKET	2:24-cv-2265-DJC-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations recommending closure of the action because plaintiff failed to pay the filing fee after being ordered and warned to do so.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

civil procedure

PRACTICE AREAS

civil procedure civil rights

QUESTIONS PRESENTED

- Whether the action should be closed or recommended for dismissal after plaintiff failed to pay the filing fee by the court-ordered deadline despite notice and an extension.

HOLDINGS

1. Because plaintiff failed to pay the required filing fee by the extended deadline after being warned of the consequence, the magistrate judge recommended that the Clerk of Court close the case.

KEY QUOTATIONS

“Accordingly, it is RECOMMENDED that the Clerk of Court be directed to close this case for plaintiff’s failure to pay the filing fee.” (at 2)

FACTUAL BACKGROUND

Plaintiff John Flynn was ordered to tender the filing fee after his application to proceed in forma pauperis was denied. Although he later requested additional time and asserted that his financial situation had changed, he did not submit an amended in forma pauperis application establishing inability to pay. The court extended the payment deadline to June 19, 2025, expressly warned that nonpayment would result in a recommendation of dismissal, and plaintiff still did not pay the \$405 filing fee.

PROCEDURAL HISTORY

The magistrate judge previously recommended denying plaintiff's application to proceed in forma pauperis because plaintiff had not shown that he lacked sufficient assets to pay the filing fee and still afford life's necessities. The district judge adopted that recommendation and ordered plaintiff to pay the filing fee within twenty-one days. After plaintiff sought an extension and indicated that his financial situation had changed, the magistrate judge granted additional time but warned that failure to pay would result in a recommendation that the action be dismissed. Plaintiff did not pay the fee by the deadline, leading to this recommendation that the Clerk close the case.

DISPOSITION

other

CASES CITED

- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PS) Flynn v. County of Tuolumne

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JOHN FLYNN, Case No. 2:24-cv-2265-DJC-JDP (PS) 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 COUNTY OF TUOLUMNE, et al., 15 Defendants. 16 17 On February 26, 2025, I

recommended that plaintiff's application to proceed in forma pauperis be denied since it failed to demonstrate that plaintiff had insufficient assets to pay the filing fee and provide the necessities of life. ECF No. 6. On April 21, 2025, the district judge adopted the findings and recommendations and ordered plaintiff to tender the filing fee within twenty-one days.¹ ECF No. 7. Plaintiff subsequently filed a motion for an extension of time to file an amended complaint. ECF No. 8. Therein, he argued that his financial situation had changed and asked that this action not be dismissed for failure to pay the filing fee. Plaintiff did not, however, file an amended application to proceed in forma pauperis that demonstrated he was unable to pay the filing fee and still afford the necessities of life. Given plaintiff's pro se status, I granted plaintiff 1 The district judge also referred the matter back to the undersigned for all further pre-trial proceedings. ECF No. 7. 1 until June 19, 2025, to pay the \$405 filing and file an amended complaint. ECF No. 9. [also 2 | warned plaintiff that failure to pay the filing fee by that date would result in a recommendation 3 | that this action be dismissed. /d. at 2. The deadline has passed, and plaintiff has not submitted 4 | the filing fee. 5 Accordingly, it is RECOMMENDED that the Clerk of Court be directed to close this case 6 | for plaintiff's failure to pay the filing fee. 7 These findings and recommendations are submitted to the United States District Judge 8 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 9 | service of these findings and recommendations, any party may file written objections with the 10 | court and serve a copy on all parties. Any such document should be captioned "Objections to 11 | Magistrate Judge's Findings and Recommendations," and any response shall be served and filed 12 | within fourteen days of service of the objections. The parties are advised that failure to file 13 | objections within the specified time may waive the right to appeal the District Court's order. See 14 | Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153 (9th Cir. 15 1991). 16 7 IT IS SO ORDERED. 18 (q oy — Dated: _ July 14, 2025 q_——

19 JEREMY D. PETERSON

UNITED STATES MAGISTRATE JUDGE

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