

**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.

OPINION

1 2 3 4 5 6 7 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 19
filing fee and provide the necessities of life.

ECF No. 6. On April 21, 2025, the district judge 20 adopted the findings and recommendations
and ordered plaintiff to tender the filing fee within 21 twenty-one days.¹ ECF No. 7. 22 Plaintiff
subsequently filed a motion for an extension of time to file an amended 23 complaint. ECF No. 8.
Therein, he argued that his financial situation had changed and asked that 24 this action not be
dismissed for failure to pay the filing fee.

Plaintiff did not, however, file an 25 amended application to proceed in forma pauperis that
demonstrated he was unable to pay the 26 filing fee and still afford the necessities of life. Given
plaintiff's pro se status, I granted plaintiff 27 1 The district judge also referred the matter back to
the undersigned for all further pre-trial 28 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 plaintiffs 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)().

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 21 22 23 24 25 26 27 28