

**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

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 18 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