

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Daniel Harper v. S. Pohovich, et al.

Harper v. Pohovich · No. 2:24-cv-3668-TLN-CKD P · Decided July 9, 2025

SUMMARY

The court recommends dismissing this prisoner civil rights action without prejudice because the plaintiff failed to pay the filing fee after his application to proceed in forma pauperis was denied. The findings and recommendations advise that the case be closed and explain the 14-day period for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 9, 2025
DOCKET	2:24-cv-3668-TLN-CKD P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a federal magistrate judge recommending dismissal of a prisoner civil action without prejudice for failure to pay the filing fee after in forma pauperis status was denied.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice because plaintiff failed to pay the filing fee after denial of in forma pauperis status.

KEY QUOTATIONS

“Because plaintiff has failed to pay the filing fee as ordered by the court, this action should be dismissed without prejudice.” (1)

FACTUAL BACKGROUND

Daniel Harper is a state prisoner proceeding without counsel. After the court denied his application to proceed in forma pauperis, it ordered him to pay the \$405 filing fee within 14 days. Harper failed to pay the fee as ordered.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding without counsel, applied to proceed in forma pauperis. The court denied that application on June 17, 2025, ordered plaintiff to pay the \$405 filing fee within 14 days, and plaintiff failed to do so. The magistrate judge recommended dismissal without prejudice and closure of the case, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Harper v. Pohovich

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 DANIEL HARPER, No. 2:24-cv3668-TLN-CKD P

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 S. POHOVICH, et al., 15 Defendants. 16 17 18 Plaintiff is a state prisoner proceeding without counsel. By order filed June 17, 2025, the 19 court denied plaintiff’s application to proceed in forma pauperis status and ordered plaintiff to 20 pay the \$405.00 filing fee within 14 days to proceed in this action. (ECF No. 14.) Because 21 plaintiff has failed to pay the filing fee as ordered by the court, this action should be dismissed 22 without prejudice. 23 For the reasons set forth above, it is RECOMMENDED as follows: 24 1. This action be dismissed for plaintiff’s failure to pay the filing fee. 25 2. The Clerk of the Court be directed to close this case. 26 These findings and recommendations are submitted to the United States District Judge 27 assigned to the

case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after 28 being served with these findings and recommendations, plaintiff may file written objections with 1 | the court and serve a copy on all parties. Such a document should be captioned “Objections to 2 | Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file 3 || objections within the specified time may waive the right to appeal the District Court’s order. 4 | Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). 5 | Dated: July 9, 2025 Cardy it | Lz (g—,
6 CAROLYN K DELANEY?
7 UNITED STATES MAGISTRATE JUDGE
g 8, harp3668.fr 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28