

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

(PS) Allahyar v. Momand

Allahyar v. Momand · No. No. 2:25-cv-0102-TLN-CKD (PS) · Decided April 23, 2025

OPINION

(PS) Allahyar v. Momand

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 ROHULLAH ALLAHYAR, No. 2:25-cv-0102-TLN-CKD (PS)

12 Plaintiff, 13

v. FINDINGS & RECOMMENDATIONS

14

DAMAN MOMAND,

15 Defendant. 16

17 18 Plaintiff Rohullah Allahyar filed a pro se¹ civil complaint naming Daman Momand as the
19 defendant and appearing to assert a claim related to a refusal to make a business payment.
(ECF

20 No. 1.) Plaintiff also filed an application to proceed in forma pauperis (“IFP”). (ECF No. 2.)

21 On March 12, 2025, the undersigned reviewed plaintiff’s IFP affidavit and found it did not 22
demonstrate plaintiff was unable to pay the court costs because plaintiff reported a regular source
23 of income and no expenses. (ECF No. 3.) Accordingly, the court ordered plaintiff to either
submit 24 the filing fee and administrative fee to the Clerk of the Court or file a renewed
application to 25 proceed IFP application. (Id.) Plaintiff has not renewed the IFP application, paid
the filing fee, or 26 otherwise acknowledged the court’s order filed on March 12, 2025. 27 28 1
This matter is before the undersigned pursuant to 28 U.S.C. § 636 and Local Rule 301(c)(21). 1 In
the court’s order dated March 12, 2025, plaintiff was specifically cautioned that failure 2 || to pay
the court costs or file a renewed IFP affidavit would result in a recommendation that the 3 ||
application to proceed in forma pauperis be denied and the present action be dismissed. Despite 4
|| this warning, plaintiff has failed to take action necessary to properly commence this case. 5 For
the reasons set forth above, IT IS HEREBY RECOMMENDED that plaintiff’s motion 6 || to
proceed in forma pauperis (ECF No. 2) be denied and this action be dismissed without 7 ||
prejudice for failure to pay the filing fee. 8 These findings and recommendations are submitted to

the United States District Judge 9 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) 10 | days after being served with these findings and recommendations, plaintiff may file written 11 || objections with the court. Such a document should be captioned “Objections to Magistrate 12 || Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within 13 || the specified time may waive the right to appeal the District Court’s order. Turner v. Duncan, 158 14 || F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991). 15 | Dated: April 22, 2025 / ae □□ / a Ly a

16 CAROLYN K DELANEY

17 UNITED STATES MAGISTRATE JUDGE

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