

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FEB 13 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ENRIQUE ZACARIAS DIAZ,

Plaintiff - Appellant,

v.

J. HIGHERGER,

Defendant - Appellee.

No. 23-3352

D.C. No.

6:23-cv-01345-YY

District of Oregon,
Eugene

ORDER

On January 17, 2024, this court ordered appellant, within 21 days, to pay the filing fees and file proof of payment with this court. The order warned appellant that failure to comply would result in the dismissal of the appeal. To date, appellant has not complied with the court's order. Accordingly, this appeal is dismissed for failure to prosecute. *See* 9th Cir. R. 42-1.

This order served on the district court will, 21 days after the date of this order, act as the mandate of this court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

ENRIQUE ZACARIAS DIAZ,

Plaintiff,

Case No. 6:23-cv-01345-YY

JUDGMENT

v.

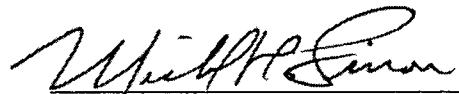
J. HIGHERGER,

Defendant.

SIMON, Judge

IT IS ORDERED and ADJUDGED that this action is DISMISSED, without prejudice.

DATED this 30th day of October, 2023.



Michael H. Simon
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

ENRIQUE ZACARIAS DIAZ,

Plaintiff,

Case No. 6:23-cv-01345-YY

ORDER TO DISMISS

v.

J. HIGHERGER,

Defendant.

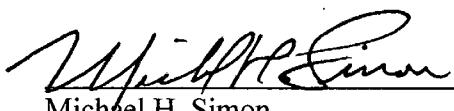
SIMON, Judge

Plaintiff, an adult in custody at the Snake River Correctional Institution, brings this 42 U.S.C. § 1983 civil rights case as a self-represented litigant. On September 24, 2023, this Court issued an Order (ECF No. 7) denying Plaintiff's application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g). The Court ordered Plaintiff to pay the \$402.00 civil filing fee within 30 days, and advised Plaintiff that if he failed to do so, this action would be dismissed.

Plaintiff did not pay the filing fee. Accordingly, IT IS ORDERED that this action is DISMISSED, without prejudice.

IT IS SO ORDERED

DATED this 30th day of October, 2023.



Michael H. Simon
United States District Judge