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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL DAVITT,
#91072

Plaintiff,

vs.

HOWARD SKOLNIK,

Defendant.

)

3:09-cv-0505-RCJ-RAM

ORDER

This prison civil rights action comes before the Court following Plaintiff's failure to pay the \$350.00 filing fee in response to the Court's September 28, 2009 Order (#3). The Court ordered that he must pay the full filing fee within thirty (30) days or his case would be dismissed. Plaintiff has not paid the filing fee in response to the Order, and the action will be dismissed.

IT IS THEREFORE ORDERED that this action shall be **DISMISSED without prejudice** for failure to pay the filing fee. The Clerk of Court shall enter final judgment accordingly.

DATED: *THIS 3RD DAY OF NOVEMBER, 2009.*

R. Jones

UNITED STATES DISTRICT JUDGE