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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ANTHONY R. TURNER,	)	NO. CV 17-6853-PSG(E)
	)	
Plaintiff,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
F. COTA, et al.,	)	
	)	
Defendants	)	
	)	
	)	

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**BACKGROUND**

Plaintiff, a state prisoner, filed this civil rights action on August 4, 2017, in the United States District Court for the Northern District of California, accompanied by a Declaration in Support of Request to Proceed Without Prepayment of Filing Fees. The Complaint names as Defendants prison officials at the California Men’s Colony in San Luis Obispo County (“CMC”), Plaintiff’s former place of incarceration.<sup>1</sup> Although the Complaint is quite unclear and confused, Plaintiff appears to attempt to allege numerous claims, including but

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<sup>1</sup> Plaintiff now is incarcerated at the California State Prison, Los Angeles County, at Lancaster, California (“CSP-LAC”).

1 not limited to claims of alleged excessive force, asserted deliberate  
2 indifference to an alleged risk of assault from other inmates,  
3 asserted deliberate indifference to medical needs, asserted  
4 deprivation of property, alleged retaliation and conspiracy and  
5 alleged interference with mail.

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7 On September 13, 2017, the United States District Court for the  
8 Northern District of California transferred the action to this Court,  
9 without ruling on Plaintiff's request to proceed in forma pauperis.

10  
11 On September 18, 2017, Plaintiff filed in the United States  
12 District Court for the Northern District of California: (1) a "Notice  
13 of Motion for Complaint Review, etc."; and (2) an "Application to  
14 Proceed In Forma Pauperis, etc." Both of these documents were filed  
15 in this Court on September 21, 2017.

16  
17 Under the Prison Litigation Reform Act, Pub L. No. 104-134, 110  
18 Stat. 1321 (1996), a prisoner may not bring a civil action in forma  
19 pauperis ("IFP") if, on three (3) or more previous occasions, the  
20 prisoner has brought an action or appeal in a court of the United  
21 States that was dismissed on the grounds that it was frivolous or  
22 malicious or failed to state a claim upon which relief may be granted,  
23 unless the prisoner is under imminent danger of serious physical  
24 injury. 28 U.S.C. § 1915(g).

25  
26 Review of the docket of this Court and other Courts in this  
27 Circuit showed that Plaintiff previously has filed a number of actions  
28 which appeared to qualify as "strikes" under section 1915(g).

1 Accordingly, on September 28, 2017, the Court issued an "Order to Show  
2 Cause" pursuant to 28 U.S.C. section 1915(g), ordering Plaintiff to  
3 show cause in writing why Plaintiff's IFP status should not be denied  
4 and why the action should not be dismissed pursuant to 28 U.S.C.  
5 section 1915(g) unless Plaintiff paid the full filing fee. On  
6 October 12, 2017, Plaintiff filed "(Plaintiff] Moves the Court with  
7 Notice 'Objections,' etc.," accompanied by exhibits, constituting  
8 Plaintiff's response to the Order to Show Cause.

9  
10 On October 27, 2017, the Court issued an "Order Denying  
11 Application for Leave to Proceed In Forma Pauperis, etc.," based on  
12 Plaintiff's prior dismissals qualifying as "strikes" under section  
13 1915(g). The Court ordered Plaintiff to pay the full filing fee  
14 within twenty-one (21) days of October 27, 2017 if Plaintiff wished to  
15 pursue the action. The Court also advised Plaintiff that failure  
16 timely to pay the full filing fee could result in the dismissal of the  
17 action. Nevertheless, Plaintiff has failed to pay the full filing fee  
18 within the allotted time.

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ORDER

For the foregoing reasons, the action is dismissed without prejudice for failure to pay the full filing fee in conformity the Court's October 27, 2017 Order. See 28 U.S.C. § 1915(g).

DATED: 11/27/17



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PHILLIP S. GUTIERREZ  
UNITED STATES MAGISTRATE JUDGE

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