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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

LIONELL ERNEST THOLMER,

1:06-cv-01403-LJO-GSA-PC

Plaintiff,

ORDER DISMISSING ACTION,
WITHOUT PREJUDICE, FOR
FAILURE TO PAY FILING FEE

vs.

JAMES A. YATES, et al.,

ORDER FOR CLERK TO CLOSE CASE

Defendants.

_____ /

Plaintiff Lionell Ernest Tholmer (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On June 24, 2010, pursuant to 28 U.S.C. § 1915(g), the Court found Plaintiff ineligible to proceed in forma pauperis and ordered Plaintiff to pay the \$350.00 filing fee in full within thirty days. (Doc. 42.) The thirty day time period has expired, and Plaintiff has not complied with the Court’s order to pay the filing fee.

Accordingly, this is action is hereby dismissed, without prejudice, based on Plaintiff’s failure to obey the Court’s order to pay the \$350.00 filing fee. The Clerk is directed to close this case in its entirety.

IT IS SO ORDERED.

Dated: August 12, 2010

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE