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7 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
8 **EASTERN DISTRICT OF CALIFORNIA**  
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10 JASON SAUNDERS,

11 Plaintiff,

12 v.

13 MATTHEW CATE, et al.,

14 Defendants.  
15

1:06 cv 01567 AWY YNP GSA (PC)

ORDER DISMISSING ACTION  
FOR FAILURE TO PROSECUTE

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17 Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C.  
18 § 1983.

19 On February 2, 2009, [findings and recommendations](#) were entered, recommending that  
20 Plaintiff's application to proceed in forma pauperis be denied pursuant to 28 U.S.C. § 1915(g),  
21 and Plaintiff be directed to pay the filing fee in full. On March 17, 2009, the findings and  
22 recommendations were adopted in full, denying Plaintiff's application to proceed in forma  
23 pauperis and directing Plaintiff to pay the \$350 filing fee, in full, within thirty days. On March  
24 19, 2009, Plaintiff filed a motion for extension of time in which to file objections. On March 23,  
25 2009, Plaintiff was granted a thirty day extension of time to file objections. On March 31, 2009,  
26 Plaintiff filed objections. On July 1, 2009, Plaintiff filed a document styled as a motion to  
27 suspend all proceedings. Plaintiff also filed a motion to consolidate this action with another  
28 action.

1 On February 24, 2010, an order was entered, denying the motion to consolidate and  
2 granting Plaintiff a further motion for extension of time in which to pay the filing fee. On  
3 March 30, 2010, Plaintiff filed a motion for the court to reconsider its denial of leave to proceed  
4 in forma pauperis.

5 Plaintiff has not paid the filing fee. Plaintiff has been denied leave to proceed in forma  
6 pauperis pursuant to 28 U.S.C. § 1915(g). Therefore, Plaintiff may not proceed in forma  
7 pauperis unless he has alleged facts indicating that he is in imminent danger of serious injury.  
8 Plaintiff has not done so in this case. The January 25, 2008, order directing Plaintiff to pay the  
9 filing fee cautioned Plaintiff that his failure to do so would result in dismissal of this action.

10 Accordingly, IT IS HEREBY ORDERED that; this action is dismissed without prejudice  
11 pursuant to Local Rule 110 for failure to pay the filing fee. All pending motions are denied as  
12 moot.

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14 IT IS SO ORDERED.

15 **Dated: April 6, 2010**

**/s/ Anthony W. Ishii**  
CHIEF UNITED STATES DISTRICT JUDGE