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

RUCHELL CINQUE MAGEE,

Plaintiff,

vs.

1:07 CV 1766 OWW WMW PC

ORDER DISMISSING ACTION

R. E. COYLE, et al.,

Defendant.

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

On March 10, 2008, [findings and recommendations](#) were entered, recommending that Plaintiff's application to proceed in forma pauperis be denied pursuant to 28 U.S.C. § 1915(g), and Plaintiff be directed to pay the filing fee in full. On April 15, 2008, the findings and recommendations were adopted in full, denying Plaintiff's application to proceed in forma pauperis and directing Plaintiff to pay the \$350 filing fee, in full, within thirty days.

Plaintiff has not paid the filing fee. Plaintiff has been denied leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g). Therefore, Plaintiff may not proceed in forma pauperis unless he has alleged facts indicating that he is in imminent danger of serious injury. Plaintiff has not done so in this case. The April 15, 2008, order directing Plaintiff to pay the filing fee cautioned Plaintiff that his failure to do so would result in dismissal of this action.

1 Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice
2 pursuant to Local Rule 11-110 for failure to pay the filing fee.

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6 IT IS SO ORDERED.

7 **Dated:** February 13, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE