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7 **IN THE UNITED STATES DISTRICT COURT FOR THE**
8 **EASTERN DISTRICT OF CALIFORNIA**
9

10 LAFEYETTE CADE,

11 Plaintiff,

12 v.

13 CDCR, et al.,

14 Defendants.
15 _____

1:08 CV 00183 AWI YNP GSA (PC)

ORDER DISMISSING ACTION

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17 Plaintiff is a state prisoner proceeding pro se in this civil rights action. The matter was
18 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule
19 72-302.

20 On September 23, 2009, [findings and recommendations](#) were entered, recommending that
21 Plaintiff's application to proceed in forma pauperis be denied pursuant to 28 U.S.C. § 1915(g),
22 and Plaintiff be directed to pay the filing fee in full. On October 29, 2009, the findings and
23 recommendations were adopted in full, denying Plaintiff's application to proceed in forma
24 pauperis and directing Plaintiff to pay the \$350 filing fee, in full, within thirty days.

25 Plaintiff has not paid the filing fee. Plaintiff has been denied leave to proceed in forma
26 pauperis pursuant to 28 U.S.C. § 1915(g). Therefore, Plaintiff may not proceed in forma pauperis
27 unless he has alleged facts indicating that he is in imminent danger of serious injury. Plaintiff
28 has not done so in this case. The October 29, 2009, order directing Plaintiff to pay the filing fee

1 cautioned Plaintiff that his failure to do so would result in dismissal of this action.

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

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5 IT IS SO ORDERED.

6 **Dated: December 23, 2009**

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