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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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10 TONY BLACKMAN,

1:09-cv-00081-OWW-SMS-PC

11 Plaintiff,

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

12 vs.

13 DR. KLEIWER, et al.,

14 Defendants.
15 _____/

16 Plaintiff Tony Blackman ("plaintiff") is a prisoner proceeding pro se in a civil rights action
17 pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on January 14, 2009.

18 On February 24, 2009, pursuant to 28 U.S.C. § 1915(g), the court found plaintiff ineligible to
19 proceed in forma pauperis and ordered plaintiff to pay the \$350.00 filing fee in full within thirty days.
20 (Doc. 5.) On March 23, 2009, plaintiff filed an amended complaint. (Doc. 4.) Plaintiff was warned that
21 the failure to obey the court's order would result in dismissal of this action. More than thirty days have
22 passed and plaintiff has not complied with or otherwise responded to the court's order.

23 Accordingly, this is action is hereby dismissed, without prejudice, based on plaintiff's failure to
24 obey the court's order to pay the \$350.00 filing fee.

25 IT IS SO ORDERED.

26 **Dated: April 7, 2009**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE