

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ERNEST MILLER,

Plaintiff,

v.

VALDEZ, et al.,

Defendants.

CASE NO. 1:09-cv-00244-SMS PC

ORDER DENYING MOTIONS FOR
PRELIMINARY INJUNCTIONS AND
FOR AN EXTENSION OF TIME

(Docs. 15, 16, 18)

ORDER STRIKING RESPONSE

(Doc. 17)

ORDER DISMISSING ACTION, WITHOUT
PREJUDICE, FOR FAILURE TO PAY FILING
FEE, AND DIRECTING CLERK'S OFFICE TO
ENTER JUDGMENT

(Doc. 14)

I. Miscellaneous Motions

Plaintiff Ernest Miller, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 6, 2009. On September 14, 2009, Plaintiff filed a motion seeking a preliminary injunction to enforce a settlement agreement in another action, and on November 23, 2009, Plaintiff filed a motion seeking a preliminary injunction mandating the return of his legal property and the award of money damages. Further, on October 15, 2009, Plaintiff filed a motion seeking an extension of time to show cause, and on October 23, 2009, Plaintiff filed a response to an order to show cause.

///

1 The pendency of this action does not entitle Plaintiff to seek the relief requested in his
2 motions for preliminary injunctions, and the motions are denied. E.g., City of Los Angeles v. Lyons,
3 461 U.S. 95, 101, 103 S.Ct. 1660, 1665 (1983); Summers v. Earth Island Institute, 129 S.Ct. 1142,
4 1149 (2009); Stormans, Inc. v. Selecky, 586 F.3d 1109, 1119 (9th Cir. 2009).

5 Plaintiff previously responded to the Court's order to show cause, and the Court issued a
6 ruling after considering those responses. (Docs. 6, 9, 10, 13.) Therefore, Plaintiff's motion for an
7 extension of time to file another response is denied, and the subsequently filed response is stricken
8 from the record.

9 **II. Failure to Pay Filing Fee**

10 On September 11, 2009, the Court denied Plaintiff leave to proceed in forma pauperis in this
11 action pursuant to 28 U.S.C. § 1915(g), and ordered Plaintiff to pay the \$350.00 filing fee in full
12 within thirty days. Plaintiff was warned that if he failed to pay the filing fee, this action would be
13 dismissed. More than thirty days have passed and Plaintiff has not paid the filing fee. Therefore,
14 this action shall be dismissed.

15 **III. Order**

16 For the reasons set forth above, it is HEREBY ORDERED that:

- 17 1. Plaintiff's motions for preliminary injunctions and for an extension of time are
18 DENIED;
- 19 2. Plaintiff's response to the order to show cause is STRICKEN from the record;
- 20 3. This action is dismissed, without prejudice, based on Plaintiff's failure to pay the
21 filing fee in compliance with the Court's order of September 11, 2009; and
- 22 4. The Clerk's Office shall enter judgment in accordance with this order.

23 IT IS SO ORDERED.

24 **Dated: June 10, 2010**

25 /s/ Sandra M. Snyder
26 UNITED STATES MAGISTRATE JUDGE
27
28