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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RODNEY BLACKWELL,

CASE NO. 1:09-cv-00642-LJO-GSA PC

Plaintiff,

ORDER DISMISSING ACTION, WITHOUT
PREJUDICE, PURSUANT TO 28 U.S.C. §
1915(G)

v.

D. TAXDAHL, et al.,

(Doc. 10)

Defendants.

_____ /

Plaintiff Rodney Blackwell, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 10, 2009, and Plaintiff was granted leave to proceed in forma pauperis on May 6, 2009. On September 14, 2009, the Court issued an order finding that Plaintiff was precluded from proceeding in forma pauperis in this action pursuant to 28 U.S.C. § 1915(g), vacating its order granting Plaintiff leave to proceed in forma pauperis, and ordering Plaintiff to pay the \$350.00 filing fee in full within thirty days.¹ Plaintiff was warned that if he failed to pay the filing fee, this action would be dismissed.

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¹ Section 1915(g) provides that “[i]n no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”

The following cases support the Court’s finding that Plaintiff became subject to section 1915(g) prior to the date he filed this action: 2:05-cv-01743-UA-MAN Blackwell v. Los Angeles County, et al. (C.D. Cal.) (dismissed 04/04/2005 as for failure to state a claim); 2:08-cv-00791-UA-AGR Blackwell v. Glick (C.D. Cal.) (dismissed 04/28/2008 for failure to state a claim); and 2:08-cv-05750-UA-AGR Blackwell v. York (C.D. Cal.) (dismissed 10/06/2008 for failure to state a claim).

1 More than thirty days have passed and Plaintiff has not paid the filing fee or otherwise
2 responded to the Court's order. Accordingly, this action is HEREBY DISMISSED, without
3 prejudice, pursuant to 28 U.S.C. § 1915g).

4
5 IT IS SO ORDERED.

6 **Dated: December 3, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE