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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
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8 CARLOS D. HENDON,

CASE NO. 1:09-cv-911-MJS (PC)

9 Plaintiff,

ORDER DISMISSING CASE FOR FAILURE  
TO PAY FILING FEE

10 v.

CLERK TO ENTER JUDGMENT

11 BAROYA, et al.,

Defendants.  
12 \_\_\_\_\_/

13  
14 Plaintiff Carlos D. Hendon, a state prisoner proceeding pro se, filed this civil rights  
15 action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the Magistrate Judge  
16 handling all matters in this action. (ECF No. 11.) On July 29, 2010, the Court issued an  
17 order finding that Plaintiff was precluded from proceeding in forma pauperis in this action  
18 pursuant to 28 U.S.C. § 1915(g) and ordering Plaintiff to pay the \$350.00 filing fee in full  
19 within thirty days.<sup>1</sup> Plaintiff was warned that if he failed to pay the filing fee, this action  
20 would be dismissed.

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25 <sup>1</sup> Section 1915(g) provides that "[i]n no event shall a prisoner bring a civil action . . . under this  
26 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."

27 The following cases support the Court's finding that Plaintiff became subject to section 1915(g)  
28 prior to the date he filed this action: Hendon v. Witcher, 1:05-cv-1246-AWI-DLB (PC) (E.D. Cal., dismissed  
on August 6, 2007); Hendon v. Rogel, 2:05-cv-1063-DFL-PAN (PC) (E.D. Cal., dismissed on August 28,  
2006); Hendon v. White, 2:07-cv-1825-GEB-CMK (PC) (E.D. Cal., dismissed on February 5, 2008).

1 More than thirty days have passed and Plaintiff has not paid the filing fee.  
2 Accordingly, this action is HEREBY DISMISSED, without prejudice, pursuant to 28 U.S.C.  
3 § 1915g.  
4

5 IT IS SO ORDERED.

6 Dated: September 10, 2010

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE