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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

TAHEE ABD' RASHEED,  
Plaintiff,

vs.

MATTHEW CATE, et al.,  
Defendants.

CASE NO. 1:09-cv-01007 OWW DLB PC

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

(Doc. 2)

Plaintiff Tahee Abd' Rasheed, a.k.a. James E. Smith, ("Plaintiff") is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On June 12, 2009, pursuant to 28 U.S.C. § 1915(g), the court found Plaintiff ineligible to proceed in forma pauperis and ordered Plaintiff to pay the \$350.00 filing fee in full within thirty days. Plaintiff was warned that the failure to obey the court's order would result in dismissal of this action, without prejudice. More than thirty days have passed and Plaintiff has not complied with or otherwise responded to the court's order.

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

IT IS SO ORDERED.

**Dated: August 3, 2009**

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE