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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSEPH DANNY PROPHET,

CASE NO. 1:09-cv-1066-OWW-MJS (PC)

Plaintiff,

ORDER DISMISSING CASE FOR FAILURE TO  
PAY FILING FEE

v.

KEN CLARK, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff Joseph Danny Prophet, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. On May 28, 2010, 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) and ordering Plaintiff to pay the \$350.00 filing fee in full within thirty days.<sup>1</sup> Plaintiff was warned that if he failed to pay the filing fee, this action would be dismissed.

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

IT IS SO ORDERED.

**Dated: July 13, 2010**

**/s/ Oliver W. Wanger**  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> 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: Prophet v. Dunham, et al., 1:07-cv-1372-OWW-DLB (PC); Prophet v. Clark, et al., 1:08-cv-1748-SMS (PC); Prophet v. CDCR, et al., 2:06-cv-02822-FCD-EFB (PC).