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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

RUCHELL CINQUE MAGEE,

CASE NO. 1:09-cv-01076-SMS PC

Plaintiff,

ORDER OF DISMISSAL

v.

(Docs. 36 and 37)

N. GRANNIS, et al.,

Defendants.

Plaintiff Ruchell Cinque Magee, a state prisoner proceeding pro se, filed in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff filed motions seeking leave to proceed in forma pauperis on May 29, 2009, and October 13, 2009. On October 16, 2009, an order issued denying Plaintiff’s motion for leave to proceed in form a pauperis and requiring Plaintiff to pay \$350 filing fee within twenty days. On October 30, 2009, Plaintiff appealed that order. On March 12, 2010, Plaintiff’s appeal was dismissed for failure to prosecute. On March 24, 2010, an order issued requiring Plaintiff to pay the \$350.00 filing fee within twenty (20) days.

On April 05, 2010, the Court received and subsequently reviewed a document filed by Plaintiff mis-titled as “Motion to Vacate Judgment” (Doc. 36.) The document is not a motion. Rather, it is a five page rant with personal attacks on the judiciary. The document’s content does not deserve a substantive response. On April 21, 2010, the Court received and subsequently reviewed a document filed by Plaintiff titled as “Request Judgment on Motion to Vacate Judgment” (Doc. 37) wherein Plaintiff requests “judgment” on his mis-titled “Motion to Vacate

1 Judgment.”

2 The filing fee due (see Orders of this Court dated October 16, 2009 and March 24, 2010)  
3 has never been paid, and the Orders remain without compliance. (Docs. 17 and 34.)

4 The Court HEREBY ORDERS that this case be dismissed without prejudice, and the  
5 Clerk of the Court is ordered to close the file.

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8 IT IS SO ORDERED.

9 Dated: April 27, 2010

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE

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