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

FLOYD SCOTT, 1:09-cv-01329-AWI-SMS-PC  
Plaintiff, ORDER DISMISSING ACTION,  
WITHOUT PREJUDICE, FOR  
FAILURE TO PAY FILING FEE  
vs. ORDER FOR CLERK TO CLOSE CASE  
J. PALMER, et al.,  
Defendants.

Plaintiff Floyd Scott (“Plaintiff”) is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On October 16, 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. More than forty-five days have passed and Plaintiff has not complied with or otherwise responded to the court’s order.

Accordingly, IT IS HEREBY ORDERED that this is action is dismissed, without prejudice, based on Plaintiff’s failure to pay the \$350.00 filing fee. The Clerk is directed to close this case in its entirety.

IT IS SO ORDERED.

**Dated:** December 9, 2009 /s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE