

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TONY BLACKMAN,

CASE NO. 1:10-cv-1044-LJO-MJS (PC)

Plaintiff,

ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE

v.

A. Hedgpeth, et al.,

(ECF No. 3)

Defendants.

Plaintiff Tony Blackman, a prisoner proceeding pro se, filed this civil rights action on June 10, 2010. On June 16, 2010, the Court found that Plaintiff was not entitled to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g) and ordered Plaintiff to pay the \$350.00 filing fee in full within thirty days. (ECF No. 3.) More than thirty days have passed and Plaintiff has not complied with or otherwise responded to the Court’s order. Plaintiff was warned that dismissal would occur if he failed to obey the order.

A civil action may not proceed absent payment of the filing fee or the grant of in forma pauperis status. 28 U.S.C. §§ 1914, 1915. Because Plaintiff is not entitled to proceed in forma pauperis and has not paid the filing fee, dismissal of this action is appropriate. In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006); Local Rule 11-110.

Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice pursuant to Local Rule 11-110 for failure to pay the filing fee.

IT IS SO ORDERED.

Dated: July 28, 2010

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE