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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 ADONAI EL-SHADDAI, aka JAMES R.  
10 WILKERSON, an individual,

CASE NO. 1:10-cv-01159-OWW-SMS

11 Plaintiff,

12 v.

ORDER DIRECTING PLAINTIFF  
TO SUBMIT FILING FEE

13 ROBERT DOYLE, COMMISSIONER,  
14 BOARD OF PAROLE HEARINGS, et al.,

(Doc. 1)

15 Defendants.  
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17 Plaintiff Adonai El-Shaddai, a/k/a James R. Wilkerson,<sup>1</sup> is a prisoner proceeding pro se  
18 in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint on June 30,  
19 2010 (Doc. 1), but neither paid the \$350.00 filing fee nor filed an application to proceed *in forma*  
20 *pauperis*. If Plaintiff fails to submit the filing fee in full within fourteen days from the date of  
21 service of this order, the Court will dismiss this action.

22 The Prison Litigation Reform Act provides that “[i]n no event shall a prisoner bring a  
23 civil action . . . under this section if the prisoner has, on 3 or more occasions, while incarcerated  
24 or detained in any facility, brought an action or appeal in a court of the United States that was  
25 dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief  
26 may be granted, unless the prisoner is under imminent danger of serious injury.” 28 U.S.C. §

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28 <sup>1</sup> Although Plaintiff consistently uses the name, Adonai El-Shaddai, this Court has previously experienced  
problems with prison mail delivery in the absence of Plaintiff’s former name, James R. Wilkerson, which is the name  
on record with the California Department of Corrections and Rehabilitation. To ensure timely delivery of  
correspondence to Plaintiff, the Court includes both names in the caption of this matter.

1 1915(g). Plaintiff has previously filed three or more actions that were dismissed as frivolous, as  
2 malicious, or for failing to state a claim upon which relief may be granted. *See El-Shaddai v.*  
3 *Woodford* (E.D.Cal. June 18, 2009)(2:08-cv-02429-EFS); *Wilkerson v. Prunty* (S.D.Cal. October  
4 28, 1997)(Civ. 96-1222B (CGA)). Thus, Plaintiff is subject to 28 U.S.C. § 1915(g) and is  
5 precluded from proceeding *in forma pauperis* unless he is in imminent danger of serious physical  
6 injury. Plaintiff has not alleged any facts alleging that he is in imminent danger of serious  
7 physical injury. Because Plaintiff is ineligible to proceed *in forma pauperis*, Plaintiff may not  
8 submit an application to proceed *in forma pauperis* in response to this order.

9 Accordingly, the Court hereby **ORDERS** that:

- 10 1. Pursuant to 28 U.S.C. § 1915(g), Plaintiff is ineligible to proceed *in forma*  
11 *pauperis* in the instant action;
- 12 2. Plaintiff shall submit the \$350.00 filing fee in full within fourteen (14) days from  
13 the date of service of this order; and
- 14 3. If Plaintiff fails to pay the \$350.00 filing fee in full within fourteen (14) days, this  
15 action shall be dismissed, without prejudice.

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17 IT IS SO ORDERED.

18 **Dated: July 2, 2010**

19 /s/ Oliver W. Wanger  
20 UNITED STATES DISTRICT JUDGE  
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