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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ISABEL TUBACH,

Plaintiff,

v.

A. VASUDEVA, et al.,

Defendants.

CASE NO. 1:10-cv-1340-AWI-MJS (PC)

ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO EITHER PAY
FILING FEE IN FULL OR FILE
APPLICATION TO PROCEED IN FORMA
PAUPERIS

(ECF No. 4)

Plaintiff Isabel Tubach, a prisoner proceeding pro se, filed this civil rights action on July 26, 2010. (ECF No. 1.) On August 2, 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. More than thirty days have passed and Plaintiff has not complied with the Court's order by paying the full filing fee. Plaintiff was warned that dismissal would occur if she failed to obey the order. (ECF No. 4.)

A civil action may not proceed absent the submission of either 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: October 11, 2010


CHIEF UNITED STATES DISTRICT JUDGE