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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORY McCLELLAN,
Plaintiff,
vs.
PAT HEARD, et al.,
Defendants.

1:10-cv-01470-OWW-GSA-PC
ORDER DISMISSING ACTION,
WITHOUT PREJUDICE, FOR
FAILURE TO PAY FILING FEE
ORDER FOR CLERK TO CLOSE CASE

_____ /

Plaintiff, Gregory McClellan (“Plaintiff”), is a prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on August 16, 2010, together with a motion to proceed in forma pauperis. (Docs. 1, 2.) On August 27, 2010, pursuant to 28 U.S.C. § 1915(g), the court denied Plaintiff’s motion to proceed in forma pauperis and ordered Plaintiff to pay the \$350.00 filing fee in full within thirty days. (Doc. 7.) The thirty day time period has expired, and Plaintiff has not paid the filing fee or otherwise responded to the court’s order. Plaintiff was forewarned in the court’s order that if he failed to pay the filing fee within thirty days, this action would be dismissed.

Accordingly, IT IS HEREBY ORDERED that:

- 1. This action is DISMISSED, without prejudice, based on Plaintiff’s failure to comply with the court’s order to pay the \$350.00 filing fee; and
- 2. The Clerk of Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: October 18, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE