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

KEITH THOMAS,

Plaintiff,

vs.

1:10-cv-01759-LJO-GSA-PC

ORDER DISMISSING ACTION,
WITHOUT PREJUDICE, FOR
FAILURE TO PAY FILING FEE

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

ORDER FOR CLERK TO CLOSE CASE

_____ /

Plaintiff Keith Thomas (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On September 29, 2009, pursuant to 28 U.S.C. § 1915(g), the undersigned found plaintiff ineligible to proceed in forma pauperis and ordered plaintiff to pay the \$350.00 filing fee in full within thirty days. (Doc. 2.) The thirty day time period for plaintiff to pay the filing fee has expired, and plaintiff has not complied with the court’s order. Plaintiff was forewarned in the [court’s order](#) that his failure to pay the filing fee within thirty days would result in the dismissal of this action without prejudice.

Accordingly, this is action is hereby dismissed, without prejudice, based on plaintiff’s failure to obey the court’s order to pay the \$350.00 filing fee. The Clerk is directed to close this case in its entirety.

IT IS SO ORDERED.

Dated: November 17, 2010

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