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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC LEE HACKETT,

CASE NO. 1:11-cv-00501-LJO-SMS

Plaintiff,

AMENDED
ORDER DIRECTING PLAINTIFF
TO PAY FILING FEE

v.

CITY OF FRESNO, et al.,

Defendants.

_____ /

A prisoner may not proceed *in forma pauperis* “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Plaintiff became subject to § 1915(g) on August 4, 2005, when his third action was dismissed for failure to state a claim upon which relief may be granted.¹ Accordingly, on April 7, 2011, this Court denied Plaintiff’s motion to proceed *in forma pauperis*.

Although Plaintiff was served the order by mail on April 7, 2011, Plaintiff has not submitted the \$350.00 filing fee for his case. Accordingly, the Court hereby orders:

- 1. Plaintiff shall pay the \$350.00 filing fee, in full, on or before May 2, 2011.

¹ The Court took judicial notice of the following cases: *Hackett v. Taylor*, 1:01-cv-06076-OWW-SMS PC (dismissed August 22, 2002 for failure to state a claim); *Hackett v. Taylor*, 1:02-cv-05440-OWW-SMS (dismissed August 23, 2002 for failure to state a claim); *Hackett v. Schwarzenegger*, 1:04-cv-05124-OWW-SMS (dismissed August 4, 2005 for failure to state a claim); *Hackett v. City of Fresno*, 1:06-cv-011230-OWW-SMS PC (dismissed November 16, 2006 for failure to state a claim).

1 2. If the filing fee has not been paid in full on or before May 2, 2011, the Court will
2 dismiss Plaintiff's case, without prejudice, for failure to prosecute.

3
4 IT IS SO ORDERED.

5 **Dated:** April 19, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE