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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

FREE LAZOR,

Plaintiff,

v.

CONNIE GIPSON, et al.,

Defendants.

Case No. 1:13-cv-01010-LJO-MJS (PC)

**ORDER DISMISSING ACTION FOR  
PLAINTIFF'S FAILURE TO PAY FILING  
FEE**

**(ECF No. 16)**

**CLERK TO CLOSE CASE**

Plaintiff is a state prisoner proceeding pro se in a civil rights action filed pursuant to 42 U.S.C. § 1983. This matter is in the screening phase.

On November 13, 2013, the Magistrate Judge issued findings and recommendations that Plaintiff's application to proceed in forma pauperis ("IFP") be denied because Plaintiff had three prior actions dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief could be granted, and the facts alleged in this case failed to satisfy the exception set out in 28 U.S.C. § 1915(g). (ECF No. 13.)

On December 6, 2013, the undersigned adopted the Magistrate Judge's findings and recommendations denying Plaintiff's application to proceed IFP and ordered Plaintiff to pay

1 the \$400 filing fee in full within twenty-one days, i.e., by not later than December 31, 2013.  
2 (ECF No. 16.) Plaintiff was specifically cautioned that his failure to do so would result in  
3 dismissal of the action pursuant to Local Rule 110. (Id.) Plaintiff's motion to extend the  
4 December 31st deadline was denied. (ECF No. 18.) The December 31, 2013 deadline has  
5 passed and Plaintiff has not submitted the filing fee.

6 Accordingly, IT IS HEREBY ORDERED that the action is DISMISSED, without  
7 prejudice, pursuant to Local Rule 110 for Plaintiff's failure to prosecute. The Clerk is  
8 directed to CLOSE the case.

9  
10 IT IS SO ORDERED.

11 Dated: January 2, 2014

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