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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 DWIGHT A. STATEN,

12 Plaintiff,

13 v.  
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15 GIPSON, et al.,  
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17 Defendants.  
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Case No. 1:14-cv-00718-LJO-MJS (PC)

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

(ECF No. 14)

CLERK TO CLOSE CASE

19 Plaintiff is a state prisoner proceeding pro se in this civil rights action filed May 12,  
20 2014 pursuant to 42 U.S.C. § 1983.

21 On June 30, 2014, the Magistrate Judge issued findings and recommendations  
22 (ECF No. 6) that Plaintiff's in forma pauperis application should be denied because he  
23 accrued three or more strikes and was not under imminent danger of serious physical harm  
24 at the time the action was initiated, 28 U.S.C. § 1915(g), and that Plaintiff should be  
25 provided with the opportunity to pay the filing fee in full.

26 On October 20, 2014, the undersigned adopted the findings and recommendations,  
27 and ordered Plaintiff to submit the \$400 filing fee, in full, within twenty-one days. (ECF No.  
28 14). Plaintiff was specifically cautioned that his failure to do so would result in dismissal of

1 this action. (Id.) Local Rule 110. The twenty-one day period has passed, and Plaintiff has  
2 not submitted the filing fee.

3 Accordingly, IT IS HEREBY ORDERED that this action is dismissed, without  
4 prejudice, pursuant to Local Rule 110 for Plaintiff's failure to prosecute. The Clerk is  
5 directed to terminate all pending motions and close this case.  
6 IT IS SO ORDERED.

7 Dated: November 17, 2014

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