

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD JOSE DUPREE, JR., Plaintiff, v. J. WILSON, Defendant.	CASE NO. 1:14-cv-01605-LJO-MJS (PC) ORDER DISMISSING ACTION FOR PLAINTIFF'S FAILURE TO PAY FILING FEE (ECF No. 10) CLERK TO CLOSE CASE
---	--

Plaintiff is a state prisoner proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983.

On November 7, 2014, the Magistrate Judge issued findings and recommendations (ECF No. 9) that Plaintiff's in forma pauperis application should be denied because he accrued three or more strikes and was not under imminent danger of serious physical harm at the time the action was initiated, 28 U.S.C. § 1915(g), and that Plaintiff should be provided with the opportunity to pay the filing fee in full.

On December 3, 2014, the undersigned adopted the findings and recommendations, and ordered Plaintiff to submit the \$400 filing fee, in full, within twenty-one days. (ECF No. 10.) Plaintiff was specifically cautioned that his failure to do so would result in dismissal of this action. (Id.) Local Rule 110. The twenty-one day deadline has passed and Plaintiff has not submitted the filing fee.

1 Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED, without
2 prejudice, pursuant to Local Rule 110 for Plaintiff's failure to pay the filing fee. The Clerk
3 is directed to terminate all pending motions and close this case.

4
5 IT IS SO ORDERED.

6 Dated: December 29, 2014

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