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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FRANK LEE DEARWESTER,  
Plaintiff,  
v.  
CDCR, et al.,  
Defendants.

CASE No. 1:15-cv-00694-MJS  
**ORDER DISMISSING ACTION FOR  
PLAINTIFF'S FAILURE TO PAY FILING  
FEE**  
**(ECF No. 6)**  
**CLERK TO CLOSE CASE**

Plaintiff is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. (ECF No. 1.) He has consented to Magistrate Judge jurisdiction. (ECF No. 5.)

On May 28, 2015, the Court denied Plaintiff's motion to proceed *in forma pauperis* because Plaintiff had accrued three or more strikes and was not in imminent danger of serious physical harm at the time the action was filed. (ECF No. 6.) Plaintiff was ordered to submit the \$400 filing fee in full within twenty-one days, and cautioned that his failure to do so would result in dismissal of the action (Id.) Local Rule 110. The twenty-one day period has passed and Plaintiff has not submitted the filing fee.

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Accordingly, it is HEREBY ORDERED that:

- 1. This action is DISMISSED WITHOUT PREJUDICE pursuant to Local Rule 110 for Plaintiff's failure to pay the filing fee; and
- 1. All pending motions shall be terminated and the Clerk of Court shall CLOSE this case.

IT IS SO ORDERED.

Dated: June 22, 2015

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE