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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

STEWART MANAGO,)	Case No.: 1:16-cv-00293-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION FOR
v.)	RELIEF AND DISMISSING ACTION, WITHOUT
)	PREJUDICE, FOR FAILURE TO PAY FILING
JEFFREY A. BEARD, et al.,)	FEE
)	
Defendants.)	[ECF Nos. 6 & 7]
)	
)	

Plaintiff Stewart Manago is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983 filed on March 3, 2016.

On March 9, 2016, the magistrate judge issued Findings and Recommendations denying Plaintiff’s application to proceed in forma pauperis because Plaintiff has suffered three or more strikes under 28 U.S.C. § 1915(g), and Plaintiff failed to demonstrate he was in imminent danger. (ECF No. 3.) The Findings and Recommendations were adopted in full on March 30, 2016, and Plaintiff was directed to pay the \$400.00 filing fee within thirty days or the action would be dismissed. (ECF No. 5.) The thirty day time frame has expired and Plaintiff has not paid the filing fee. However, on April 11, 2016, Plaintiff filed a motion for relief from the March 30, 2016, order, along with a first amended complaint. (ECF Nos. 6 & 7.) The Court has reviewed Plaintiff’s first amended complaint, filed April 11, 2016, and it suffers from the same defects as the original complaint. (ECF No. 7.) Plaintiff references only vague and past incidents of retaliation and failure to protect him from potential future

1 harm. (Id.) Indeed, as stated in the Findings and Recommendations, Plaintiff's claims of failure to
2 protect are vague and conclusory and devoid of sufficient factual support. There are no allegations
3 that Plaintiff is presently in imminent danger of physical harm, and Plaintiff makes no request for
4 relief from imminent danger and requests only monetary damages. Accordingly, Plaintiff is ineligible
5 to proceed in forma pauperis in this action. Therefore, this case must be dismissed, without prejudice,
6 for failure to pay the filing fee.

7
8 IT IS SO ORDERED.

9 Dated: May 4, 2016

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