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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEFF WALKER,
Plaintiff,
v.
ROBLES, et al.,
Defendants.

Case No. 1:16-cv-01886-AWI-JLT (PC)
ORDER DISMISSING ACTION WITHOUT PREJUDICE AND DENYING MOTION FOR TEMPORARY RESTRAINING ORDER AS MOOT (Docs. 6, 9, 10)
ORDER DIRECTING CASE CLOSURE BY COURT CLERK

Plaintiff filed a motion to proceed *in forma pauperis* along with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 12, 2017, the Magistrate Judge issued Findings and Recommendations to deny Plaintiff’s application to proceed *in forma pauperis* based on his untrue poverty allegation. (Doc. 9.) The Findings and Recommendations were adopted on August 2, 2017, and Plaintiff was ordered to pay the full filing fee within twenty-one days. (Doc. 10.) Plaintiff was warned that the failure to timely pay the fee would result in the dismissal of this case. (Id.) Approximately a month has lapsed and Plaintiff has not paid the filing fee. Therefore, pursuant to the Court’s August 2, 2017 order and warning, this case will be dismissed and closed.

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Accordingly, **IT IS HEREBY ORDERED** that:

1. This case is DISMISSED without prejudice for Plaintiff's failure to pay the requisite \$400 filing fee;
2. The pending motion for a temporary restraining order (Doc. 6) is DENIED as moot; and
3. The Clerk of the Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: September 18, 2017



SENIOR DISTRICT JUDGE