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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 JESSE L. YOUNGBLOOD,

10 Plaintiff,

11 v.

12 D. URIBE, *et al.*,

13 Defendants.  
14  
15

Case No. 1:17-cv-01132-AWI-EPG (PC)

ORDER DISMISSING ACTION WITHOUT  
PREJUDICE FOR FAILURE TO PAY FILING  
FEE AND FAILURE TO OBEY COURT  
ORDER

(ECF Nos. 12, 13)

16 Jesse L. Youngblood (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil  
17 rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed an application to proceed *in forma*  
18 *pauperis* on August 23, 2017. (ECF No. 2). The matter was referred to United States Magistrate  
19 Judge Erica P. Grosjean pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On January 26, 2018, the Magistrate Judge issued findings and recommendations,  
21 finding that Plaintiff had incurred more than three strikes under 28 U.S.C. § 1915(g) and did  
22 not qualify for the imminent danger of serious physical injury exception, and recommending  
23 that the application to proceed *in forma pauperis* be denied. On April 13, 2018, the Court  
24 adopted the findings and recommendations, denied the application to proceed *in forma*  
25 *pauperis*, and directed Plaintiff to pay the \$400.00 filing fee within thirty days from the date of  
26 service of the order. (ECF No. 12). The order advised Plaintiff that the failure to pay the  
27 required filing fee within the time provided would result in dismissal of this action. *Id.* The  
28 thirty-day period has expired, and Plaintiff has failed to pay the filing fee.

1 On April 27, 2018, Plaintiff filed a motion seeking waiver of payment of the filing until  
2 he has sufficient funds in his prisoner trust account to be billed 20% of any amount exceeding  
3 ten dollars. (ECF No. 13). Plaintiff, in effect, is again requesting to proceed *in forma pauperis*.  
4 See 28 U.S. Code § 1915(b)(1) (“[I]f a prisoner brings a civil action or files an appeal in forma  
5 pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall  
6 assess and, when funds exist, collect, as a partial payment of any court fees required by law, an  
7 initial partial filing fee of 20 percent of the greater of—(A) the average monthly deposits to the  
8 prisoner’s account; or (B) the average monthly balance in the prisoner’s account for the 6-  
9 month period immediately preceding the filing of the complaint or notice of appeal.”). In this  
10 motion, Plaintiff has stated “I (have, am, will) be in imminent danger of physical harm or  
11 damaged, among (legal rights/ legal interests/ property interests/ welfare/ civil case(s)/ serious  
12 medical treatment/ medicare treatment plan/ ADA (1824)/ mental health/ i.e./ et. al.), thus I  
13 endured, suffered from, sustained, and will continue to have (‘no relief’) or (‘no available  
14 remedies’).” (ECF No. 13). This statement is vague and conclusory. It in no way explains how  
15 Plaintiff faces imminent danger of serious physical injury. Plaintiff’s renewed request for *in*  
16 *forma pauperis* status is denied.

17 Plaintiff’s action may not proceed absent the submission of the filing fee. 28 U.S.C. §  
18 1914. Accordingly, this action is HEREBY DISMISSED, without prejudice, for Plaintiff’s  
19 failure to comply with the Court’s order of April 13, 2018, (ECF No. 12), and his failure to pay  
20 the filing fee. The Clerk of the Court is directed to close this case.

21  
22 IT IS SO ORDERED.

23 Dated: June 11, 2018

  
24 SENIOR DISTRICT JUDGE  
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