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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,  
Plaintiff,  
v.  
B. VALDEZ, et al.,  
Defendants.

Case No. 1:18-cv-00571-DAD-EPG (PC)  
ORDER DENYING PLAINTIFF’S MOTION TO  
SUBMIT EXHIBITS WITHOUT PREJUDICE  
(ECF NO. 40)

Plaintiff Guillermo Trujillo Cruz (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983.

On September 4, 2019, the Court adopted findings and recommendations issued by the undersigned recommending that Defendant’s motion for an order revoking Plaintiff’s *in forma pauperis* status be granted because Plaintiff is subject to the three-strikes bar under 28 U.S.C. § 1915(g) and has not met the imminent danger exception to that provision. (ECF No. 37.)

The Court also vacated its prior order granting Plaintiff’s application to proceed *in forma pauperis* and ordered that, within forty-five days of service of the order adopting the findings and recommendations, Plaintiff shall pay the filing fee to proceed with this action.

The forty-five-day deadline passed, and Plaintiff did not pay the filing fee. On October 31, 2019, the Court issued further findings and recommendations recommending that Plaintiff’s case be dismissed without prejudice for failure to pay the filing fee and for failing to obey Court

1 orders. (ECF No. 39.) Those findings and recommendations are currently pending before District  
2 Judge Dale A. Drozd.

3 On November 4, 2019, Plaintiff filed a motion to submit exhibits. (ECF No. 40.) Through  
4 the motion, Plaintiff attempts to submit records related to the administrative exhaustion of the  
5 claims in his suit. However, as Plaintiff has not paid the filing fee, and given the pending findings  
6 and recommendations to dismiss his case for that reason, the Court will deny Plaintiff's motion to  
7 submit exhibits (ECF No. 40.) without prejudice. Plaintiff may renew the motion if the Court  
8 does not adopt the pending findings and recommendations and allows his case to proceed.

9 Accordingly, for these reasons, Plaintiff's motion to submit exhibits (ECF No. 40.) is  
10 DENIED WITHOUT PREJUDICE.

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12 IT IS SO ORDERED.

13 Dated: December 17, 2019

14 /s/ Eric P. Gray  
15 UNITED STATES MAGISTRATE JUDGE  
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