

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

GUILLERMO TRUJILLO CRUZ,

Plaintiff,

v.

LT. J. OSTRANDER, S. SAVOIE,

Defendants.

CASE NO. 1:19-cv-00994-AWI-JLT (PC)

**ORDER DENYING PLAINTIFF'S
MOTION TO CLARIFY FINDINGS
AND RECOMMENDATIONS AND
DISMISSING THE CASE**

(Doc. No. 44)

Plaintiff Guillermo Trujillo Cruz has filed a pleading styled as a “motion to clarify findings and recommendations.” Doc. No. 44. Instead of seeking clarification of any ruling, however, Plaintiff re-argues his position that he should be allowed to proceed in forma pauperis under the imminent-danger exception to the three-strikes rule. Defendants filed a response in opposition, arguing that Plaintiff’s motion is an improper sur-reply and a third set of objections to the findings and recommendations. Doc. No. 45.

Plaintiff previously filed objections to the findings and recommendations to revoke in forma pauperis status. Doc. Nos. 38 & 39. The Court carefully considered Plaintiff’s objections and conducted a de novo review of the file before issuing an order that adopted in part and rejected in part the findings and recommendations. Doc. No. 43. The court ordered plaintiff to pay the \$402.00 filing fee within twenty-one days and warned Plaintiff “that the failure to timely pay the filing fee will result in the dismissal of this action without further notice.” *Id.* at 3. Instead of paying the filing fee, Plaintiff filed the instant motion. Finding no ground for relief, the Court will deny this motion and order the case dismissed for Plaintiff’s failure to timely pay the filing fee and comply with a court order.

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ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to clarify findings and recommendations (Doc. No. 44) is DENIED;
2. This case is DISMISSED for failure to pay the filing fee and comply with a court order; and
3. The clerk of the court is directed to CLOSE the case.

IT IS SO ORDERED.

Dated: July 19, 2021



SENIOR DISTRICT JUDGE