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

MELVIN JOSEPH SIMMONS,  
  
Plaintiff,  
  
v.  
  
J. WUERTH, et al.,  
  
Defendants.

Case No. 1:19-cv-01107-DAD-SAB (PC)  
  
ORDER DENYING PLAINTIFF’S MOTION  
FOR TRANSFER OF THIS ACTION TO  
THE UNITED STATES COURT OF  
FEDERAL CLAIMS  
  
(ECF No. 25)

Melvin Joseph Simmons (“Plaintiff”), a state prisoner appearing *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 18, 2019 in the Sacramento Division of the Eastern District of California. (ECF No. 1.) On August 14, 2019, the matter was transferred to the Fresno Division of the Eastern District of California. (ECF No. 5.) On August 15, 2019, Plaintiff was ordered to submit an application to proceed *in forma pauperis* in this action or pay the filing fee within forty-five days. (ECF No. 8.)

On September 3, 2019, Plaintiff submitted an incomplete application to proceed *in forma pauperis* which was denied because it showed that he had the ability to pay the filing fee and he was found to have incurred three or more strikes under section 1915(g) of Title 28 of the United States Code prior to filing this lawsuit. (ECF Nos. 14, 20.) Plaintiff was ordered to pay the filing fee within twenty-one days of April 2, 2020. (EF No. 20.) On April 27, 2020, Plaintiff filed objections to the order adopting the findings and recommendations. (ECF No. 21.) On

1 Mary 6, 2020, this action was dismissed for Plaintiff's failure to pay the filing fee and judgment  
2 was entered. (EF Nos. 22, 23.)

3 Currently before the Court is Plaintiff's motion to transfer this action to the United States  
4 Court of Federal Claims, filed on May 27, 2020. (ECF No. 24.) Since this matter has been  
5 dismissed and judgment was entered due to Plaintiff's failure to pay the filing fee, there is no  
6 pending action to transfer. See e.g., Robison v. Weingart Transitional Ctr. Ass'n, No. 2:18-CV-  
7 07067-VAP KES, 2019 WL 3000655, at \*4 (C.D. Cal. Mar. 27, 2019) ("after entry of judgment,  
8 there is no pending action for Plaintiff to voluntarily dismiss"). Accordingly, Plaintiff's motion  
9 to transfer this action to the United States Court of Federal Claims is HEREBY DENIED.

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11 IT IS SO ORDERED.

12 Dated: May 28, 2020

  
UNITED STATES MAGISTRATE JUDGE

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