

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,
Plaintiff,
v.
SANTORO, *et al.*,
Defendants.

No. 1:20-cv-01038-NONE-BAM (PC)

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

(Doc. No. 13)

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

On August 17, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* be denied and that he be required to pay the \$400.00 filing fee in full to proceed with this action. (Doc. No. 8.) Following the granting of an extension of time to do so, plaintiff filed a renewed motion to proceed *in forma pauperis* and objections. (Doc. Nos. 11, 12.)

On September 21, 2020, the undersigned issued an order adopting the findings and recommendations in full and ordering plaintiff to pay the required \$400.00 filing fee in full within twenty-one (21) days. (Doc. No. 13.) In that order, plaintiff was warned that if he failed to pay the filing fee within the specified time, the action would be dismissed without further notice. (*Id.* at 2.)

1 On September 28, 2020, in lieu of paying the filing fee, plaintiff filed a response to the
2 court's September 21, 2020 order directing him to pay the filing fee. (Doc. No. 14.) Therein,
3 plaintiff states that he is indigent and unable to pay the filing fee. (*Id.*)

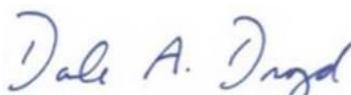
4 The court has already determined that plaintiff is subject to 28 U.S.C. § 1915(g), and that
5 his allegations do not satisfy the imminent danger exception to that provision. Plaintiff has
6 provided no further information that would warrant reconsideration of this finding, and therefore
7 prepayment of the filing fee is required in order to proceed with this action, regardless of
8 plaintiff's financial status. Plaintiff has clearly indicated that he is unable to pay the required
9 filing fee, and the deadline for him to do so has expired.

10 Because plaintiff has failed to obey the court's order and pay the appropriate filing fee,
11 this case cannot proceed. This matter will be dismissed. *See Ferdik v. Bonzelet*, 963 F.2d 1258,
12 1260–61 (9th Cir. 1992).

13 Based on the foregoing, this action is dismissed, without prejudice, due to plaintiff's
14 failure to comply with the court's order of September 21, 2020, (Doc. No. 13), and his failure to
15 pay the required filing fee.

16 IT IS SO ORDERED.

17 Dated: November 18, 2020


UNITED STATES DISTRICT JUDGE

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