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

JAMES CARL KELLY,  
Plaintiff,  
v.  
GAVIN NEWSOME, et al.,  
Defendants.

Case No.: 1:24-cv-01063 JLT SKO

ORDER DISMISSING ACTION WITHOUT  
PREJUDICE FOR PLAINTIFF’S FAILURE TO  
PAY FILING FEE

(Doc. 8)

The Court found Plaintiff is subject to the three strikes bar of 28 U.S.C. § 1915. (Doc. 8.) However, Plaintiff has not paid the filing fee, despite a warning that failure to do so would result in dismissal. (*Id.* at 2.) Without such payment, the action cannot proceed. *See Saddozai v. Davis*, 35 F.4th 705 (9th Cir. 2022) (when subject to the three strikes bar, “the prisoner must pay the whole filing fee up front before bringing another lawsuit”). Thus, the Court **ORDERS**:

1. Plaintiff’s complaint is **DISMISSED** without prejudice.
2. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: November 23, 2024

  
UNITED STATES DISTRICT JUDGE