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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN E. WEST,

Plaintiff,

No. CIV S-09-1532 EFB P

vs.

R. DANIELS, et. al.,

Defendants.

ORDER

_____ /


Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations. *See* 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff’s consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(1)-(2).

On April 19, 2010, the court found that plaintiff had, on three prior occasions, brought actions in a court of the United States that were dismissed on the ground that they were frivolous or failed to state a claim. The court ordered plaintiff to show cause why he should not be denied leave to proceed *in forma pauperis*. Plaintiff failed to do so.

On July 15, 2010, the court ordered plaintiff to pay the filing fee within 20 days, and warned plaintiff that failure to do so would result in the dismissal of the action. Plaintiff has not paid the filing fee. Instead, plaintiff has submitted another *in forma pauperis* application.

1 Accordingly, it hereby is ORDERED that this action is dismissed without prejudice.

2 DATED: September 22, 2010.

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4 EDMUND F. BRENNAN
5 UNITED STATES MAGISTRATE JUDGE
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