IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

TAHEE ABD' RASHEED,

Plaintiff, No. CIV S-09-3300 KJM

vs.

CASTRO,

Defendant. ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with an action under 42 U.S.C. § 1983. He has consented to magistrate judge jurisdiction.

By order of May 3, 2010, the court denied plaintiff's application to proceed in forma pauperis on the basis that the "three strikes" provision of the Prison Litigation Reform Act bars the court from granting him that status. See Order (Docket No. 19); 28 U.S.C. § 1915(g). The court gave plaintiff thirty days in which to pay the entire filing fee, apprising him that failure to do so would result in dismissal of this action. That time period has now expired, and plaintiff has not paid the filing fee. Indeed, plaintiff's most recent filing concedes that his case does not "warrant the extraordinary circumstances." See Request (Docket No. 20). Accordingly, it does not qualify for an exception to the requirement that plaintiff pay the filing fee in full in order to proceed in this case.

Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice.

DATED: June 16, 2010.

U.S. MAGISTRATE JUDGE

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