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

TAHEE ABD RASHEED,

Plaintiff,

No. CIV S-09-3430 EFB P

vs.

J. WALKER, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 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)(4).


On January 7, 2011, the court found that plaintiff is ineligible to proceed in forma pauperis. Accordingly, the court ordered plaintiff to pay the filing fee required by 28 U.S.C. § 1914 within thirty days and warned him that failure to do so would result in this action being dismissed.

The 30-day period has expired and plaintiff has not paid the requisite filing fee.¹

¹ Plaintiff did, however, file a document styled “motion for temporary injunction order” on January 18, 2011. In this motion plaintiff states that he is “under the threat of imminent

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

2 Dated: March 15, 2011.

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4 EDMUND F. BRENNAN
5 UNITED STATES MAGISTRATE JUDGE

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danger of serious physical injury” but states no facts in support of this bare assertion. Plaintiff cannot avoid paying the filing fee by reciting these words.