

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

TAHEE ABD' RASHEED,

Plaintiff,

No. CIV S-09-3560 FCD DAD P

vs.

DEPARTMENT OF CORRECTIONS
AND REHABILITATION, et al.,

FINDINGS AND RECOMMENDATIONS

Defendants.

_____/

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On June 8, 2010, the court ordered plaintiff to pay the \$350.00 fee for this action within thirty days of the date of the order. The court explained to plaintiff that he could not proceed in forma pauperis because he was barred from doing so under 28 U.S.C. § 1915(g). The thirty day period has since expired, and plaintiff has not paid the \$350.00 filing fee in full. Accordingly, the court will recommend that plaintiff's action be dismissed. See Fed. R. Civ. P. 41(b).

In accordance with the above, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-

1 one days after being served with these findings and recommendations, plaintiff may file written
2 objections with the court. Such a document should be captioned "Objections to Magistrate
3 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections
4 within the specified time may waive the right to appeal the District Court's order. Martinez v.
5 Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: July 19, 2010.

7
8 
9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

10 DAD:sj
11 rash3560.fee

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26