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

ERNEST MILLER,

Plaintiff,

No. CIV S-10-1605 GEB DAD P

vs.

B. STOWELL, et al.,

Defendants.

ORDER

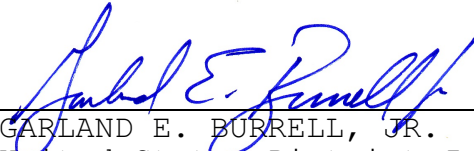
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By order filed on August 12, 2010, the undersigned ordered plaintiff to pay the \$350.00 filing fees within fifteen days and plaintiff was cautioned that failure to do so would result in the dismissal of this action. The fifteen day period has now expired. Instead of complying with the court’s order, plaintiff has filed a “Notice of motion objection” in which he summarily argues that 28 U.S.C. § 1915(g) should not be applied because he is in imminent danger of serious injury. This argument was considered and rejected in the court’s orders, filed on July 8, 2010 and August 12, 2010.

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1 Accordingly, IT IS HEREBY ORDERED that this action be dismissed without
2 prejudice for plaintiff's failure to pay the filing fee. 28 U.S.C. § 1915(g).

3 Dated: September 13, 2010

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7 GARLAND E. BURRELL, JR.
8 United States District Judge
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