

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 A' RASHEED,

Plaintiff,

No. CIV S-10-1805 GGH P

vs.

TIM VIRGA, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has brought a civil rights action pursuant to 42 U.S.C. § 1983. Presently pending is plaintiff's motion for a declaratory judgment. Doc. 3.

Plaintiff was previously informed that pursuant to 28 U.S.C. § 1915(g), he is ineligible to proceed in forma pauperis in this action and must pay the \$350.00 filing fee in full. Plaintiff has not yet paid the filing fee therefore the court cannot rule on his motion and it will be dismissed. Plaintiff may bring the motion at a later time once he has paid the filing fee.

IT IS HEREBY ORDERED that plaintiff's motion for a declaratory judgment (Doc. 3) is denied without prejudice.

DATED: August 3, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH: AB - rash1805.ord