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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 is a state prisoner barred from proceeding in forma pauperis under the “Three Strikes” provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). By an order filed July 27, 2010, plaintiff was ordered to pay the \$350.00 filing fee within twenty-eight days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. The twenty-eight day period has now expired. On September 14, 2010, plaintiff filed a motion for declaratory judgment, claiming that he cannot pay the filing fee because prison officials are preventing him from accessing funds in his trust account.

The undersigned will grant plaintiff a one-time extension of time to either (1) pay the filing fee in full, or (2) show that he has the necessary funds in his trust account and that, despite his best efforts, defendants are preventing him from accessing such funds to pay the fee in this action.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's motion for reconsideration for declaratory relief (Doc. No. 7) is
3 denied;

4 2. Within 28 days of service of this order, plaintiff shall either pay the \$350.00
5 filing fee in full; or shall submit documentation showing that he currently has \$350.00 available
6 in his prison trust account, describe specifically his efforts to access these funds in order to pay
7 the filing fee, and also describe specifically how defendants have prevented him from doing so.
8 Failure to do either of the above within the specified time will result in a recommendation that
9 this action be dismissed without prejudice.

10 3. The Clerk of Court is directed to assign a district judge to this action.

11 DATED: September 21, 2010

12 /s/ Gregory G. Hollows

13 UNITED STATES MAGISTRATE JUDGE

14 GGH:14
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