UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL WINFIELD,

Plaintiff,

v.

JACOB ADAMS, et al.,

Defendants.

No. 2:13-cv-1370 AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983 and has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. Plaintiff has consented to the jurisdiction of the undersigned. ECF No. 10.

By Order filed on March 20, 2014, plaintiff was determined to be barred from proceeding in forma pauperis in this action by the "three strikes" provision of 28 U.S.C. § 1915(g). ECF No. 20. Plaintiff was granted thirty days to submit the $350.00 filing fee and was cautioned that failure to do so timely would result in dismissal of this action. Id. Plaintiff has failed to submit the filing fee and the time for doing so has expired. Plaintiff's only response has been to file a document that has been construed as a motion for leave to amend. ECF No. 21. The putative motion indicates that plaintiff wishes to add seven defendants, but contains no facts regarding the actions of the seven individuals and is not accompanied by any proposed amended pleading. Given the status of the case, a motion to amend cannot be entertained.

Moreover, the court notes that since plaintiff was ordered to show cause why he should not be barred under 28 U.S.C. § 1915(g), he has filed repeated notices regarding potential additional defendants. ECF Nos. 12, 13, 14, 15, 16, 17, 18, 19. None of these "notices" contain sufficient information that they can reasonably be construed as motions to amend, and none of them address the only matter at issue at this stage: whether plaintiff may proceed at all in light of his prior strikes. The court has already concluded that he may not unless the filing fee is paid in full. Because plaintiff has failed to do so within the time provided, his would-be motion will be denied and this action will be dismissed.

Accordingly, IT IS ORDERED that:

1. Plaintiff's "motion to amend" (ECF No. 21) is denied; and

2. This action is dismissed for plaintiff's failure to submit the filing fee in full.

DATED: April 28, 2014

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE