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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,
Plaintiff,
v.
DEUEL VOCATIONAL INSTITUTION,
Defendant.

No. 2:14-cv-1808 KJM DAD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights complaint filed pursuant to 42 U.S.C. § 1983. On August 6, 2014, this court found that plaintiff is a designated “three strikes litigant” under 28 U.S.C. § 1915(g). As a three strikes litigant, plaintiff may not proceed in forma pauperis in an action unless he demonstrates that he was “under imminent danger of serious physical injury” when he filed his complaint. 28 U.S.C. § 1915(g). In reviewing the instant complaint, the court found that plaintiff was not under imminent danger of serious physical injury when he commenced this action, and therefore may not proceed in forma pauperis herein. The court informed plaintiff that, to continue with this action, he must pay the full fee of \$400.00 (\$350.00 filing fee plus \$50.00 administrative fee).

Plaintiff was accorded thirty days to pay the required fee and was informed that “[f]ailure . . . to timely submit the full filing fee will result in the dismissal of this action.” (ECF No. 3 at

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1 3.) The thirty-day period has expired, and plaintiff has not paid the fee or otherwise responded to
2 the court's order.

3 Accordingly, IT IS HEREBY RECOMMENDED that:

- 4 1. This action be dismissed without prejudice; and
- 5 2. The Clerk of Court be directed to close this case.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, plaintiff may file written objections
9 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings
10 and Recommendations." Plaintiff is advised that failure to file objections within the specified
11 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
12 (9th Cir. 1991).

13 Dated: September 27, 2014

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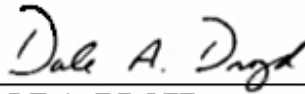
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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE