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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH ALAN SIERRA,  
Plaintiff,

v.

DIRECTOR OF DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,  
Defendants.

No. 2: 16-cv-1067 MCE KJN P

ORDER

Plaintiff is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, plaintiff is ordered to pay the filing fee within twenty-one days of the date of this order.

On May 5, 2017, the court denied plaintiff's application to proceed in forma pauperis, and ordered plaintiff to pay the filing fee within thirty days. (ECF No. 64.) Plaintiff appealed the May 5, 2017 order to the Ninth Circuit Court of Appeals. (ECF No. 65.) On April 4, 2018, the Ninth Circuit dismissed plaintiff's appeal for failure to prosecute. (ECF No. 76.)

On April 11, 2018, the undersigned ordered plaintiff to pay the filing fee within thirty days. (ECF No. 77.) Thirty days passed and plaintiff did not pay the filing fee. Accordingly, on May 17, 2018, the undersigned recommended that this action be dismissed. (ECF No. 78.)

On April 17, 2018, the Ninth Circuit vacated its April 4, 2018 order and reopened


1 plaintiff's appeal of the May 5, 2017 order. (ECF No. 80.) This order was docketed in this court  
2 on June 20, 2018. (Id.) On July 25, 2018, the undersigned vacated the May 17, 2018 findings  
3 and recommendations. (ECF No. 81.)

4 On March 5, 2021, the Ninth Circuit dismissed plaintiff's appeal of the May 5, 2017 order  
5 for failure to prosecute. (ECF No. 82.) Good cause appearing, the undersigned grants plaintiff a  
6 final opportunity to pay the \$400 filing fee. Failure to pay the filing fee will result in a  
7 recommendation of this action. The undersigned also directs the Clerk of the Court to serve this  
8 order on plaintiff's address reflected in the Ninth Circuit's March 5, 2021 order.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff is granted twenty-one days from the date of this order to pay the \$400 filing  
11 fee; failure to pay the filing fee within that time will result in a recommendation of  
12 dismissal of this action;
- 13 2. The Clerk of the Court is directed to serve this order on plaintiff's address of record  
14 and at the following address: 2300 Griffith Avenue, Los Angeles, California, 90011-  
15 1602.

16 Dated: March 29, 2021

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19 KENDALL J. NEWMAN  
20 UNITED STATES MAGISTRATE JUDGE

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