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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	ANTOINE LEBLANC,	No. 2:16-cv-02730 GEB DB
12	Plaintiff,	
13	v.	FINDINGS AND RECOMMENDATIONS
14	B. DUFFY, et al.,	
15	Defendants.	
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17	Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. §	
18	1983. The court previously denied plaintiff's motion to proceed in forma pauperis pursuant to 28	
19	U.S.C. § 1915(g), which reads:	
20	In no event shall a prisoner bring a civil action [in forma nounarial if the prisoner has on 2 or more prior occasions, while	
21	pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds	
22	that it is frivolous, malicious,	, or fails to state a claim upon which
23	relief may be granted, unless the prisoner is under imminent danger of serious physical injury.	
24	The court reviewed relevant court records and found three actions, all filed in the United	
25	States District Court for the Central District of California, that amount to "strikes" under 28	
26	U.S.C. § 1915(g). (ECF No. 6 at 1-2.) Plaintiff was thereafter ordered to submit the \$400 filing	
27	fee for this action within 21 days. (Id. at 3.) Plaintiff was warned that failure to comply would	
28	result in a recommendation of dismissal. (<u>Id.</u>)	
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1	More than 21 days have now passed and plaintiff has not submitted the required \$400	
2	filing fee. Pursuant to the court's previous warning, the undersigned recommends that this matter	
3	be dismissed for failure to pay the requisite filing fee.	
4	Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without	
5	prejudice for failure to pay the filing fee.	
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)(l). Within fourteen days	
8	after being served with these findings and recommendations, plaintiff may file written objections	
9	with the court. The document should be captioned "Objections to Magistrate Judge's Findings	
10	and Recommendations." Any response to the objections shall be filed and served within fourteen	
11	days after service of the objections. Plaintiff is advised that failure to file objections within the	
12	specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951	
13	F.2d 1153 (9th Cir. 1991).	
14	DATED: September 20, 2017	
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16	/s/ DEBORAH BARNES UNITED STATES MAGISTRATE JUDGE	
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