1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JIMMIE STEPHENS, No. 2:24-cv-1713 DJC CSK P 12 Plaintiff, 13 **ORDER** v. 14 M. FELDER, 15 Defendant. 16 17 Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On August 14, 2024, the district court ordered plaintiff to pay the Court's filing fee in full 21 "prior to proceeding any further with this action in light of his status as a three-strikes litigant 22 within the meaning of 28 U.S.C. § 1915(g)." (ECF No. 13 at 2.) To date, plaintiff has not paid 23 the Court's filing fee. On July 26, 2024, plaintiff filed a motion to amend. (ECF No. 11.) However, because 24 25 plaintiff is entitled to amend his complaint once as a matter of course, the motion to amend is 26 denied as moot. Fed. R. Civ. P. 15. However, because plaintiff has not yet paid the Court's filing 27 fee, the Court defers screening the amended complaint until after plaintiff pays the Court's filing fee in full. 28 1

Plaintiff is directed to pay the Court's filing fee in full within fourteen days from the date of this order. Failure to timely pay the filing fee will result in a recommendation that this action be dismissed.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff's motion to amend (ECF No. 11) is denied as moot.
- 2. Plaintiff shall pay the Court's filing fee in full within fourteen days from the date of this order. Failure to timely pay the filing fee will result in a recommendation that this action be dismissed.

Dated: August 29, 2024

CHI SOO KIM

UNITED STATES MAGISTRATE JUDGE

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