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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES DAVIS,

Plaintiff,

v.

THE STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:10-CV-1364-KJD-PAL

ORDER

Plaintiff filed this action pursuant to 42 U.S.C. § 1983. On January 7, 2011, Magistrate Judge Peggy A. Leen issued an Order and Report of Findings and Recommendations (#12) recommending that plaintiff's application to proceed *in forma pauperis* be denied because he has had "three strikes" under 28 U.S.C. § 1915(g), unless Plaintiff pay the full filing fee on or before February 4, 2011.

On January 20, 2011 plaintiff filed a handwritten document, not on the court's form, that he called "Declaration of Request for Leave to proceed *in forma pauperis*" (#13). He repeats some of the allegations set forth in an earlier "affidavit" that he fears for his life in prison. Plaintiff has already been advised that these allegations are unrelated to the complaint in this action. To the extent the declaration is a motion, it is denied.

Objections to the report and recommendation were due no later than January 24, 2011. Payment of the full filing fee was due no later than February 4, 2011.

1 More than the allotted time has elapsed and plaintiff has not paid the filing fee or filed
2 objections, other than the "Declaration". Accordingly, this entire action will be dismissed for failure
3 to comply with the court's order.

4 Accordingly, **IT IS HEREBY ORDERED** that the Order and Report of Findings and
5 Recommendation (#12) of the United States Magistrate Judge entered January 7, 2011, is
6 **ADOPTED** and **AFFIRMED**;

7 **IT IS FURTHER ORDERED** that Plaintiff's Motion/Application for Leave to
8 Proceed *in forma pauperis* (#1) is **DENIED**;

9 **IT IS FURTHER ORDERED** that Plaintiff's complaint is **DISMISSED without**
10 **prejudice** for failure to comply with the Court's order to pay the filing fee;

11 **IT IS FURTHER ORDERED** that plaintiff's Declaration of Request for Leave to proceed *in*
12 *forma pauperis*" (#13) is **DENIED**.

13 DATED this 8th day of February 2011.

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16 _____
17 Kent J. Dawson
18 United States District Judge
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