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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES ANTHONY DAVIS,)
)
 Plaintiff,)
)
 vs.)
)
 ELIZABETH LOTTIE BROWN, *et al.*,)
 Defendants.)
 _____)

2:10-cv-01804-KJD-PAL

ORDER

Plaintiff filed this action pursuant to 42 U.S.C. § 1983. On December 17, 2010, the court issued an order denying plaintiff’s application to proceed *in forma pauperis* because he has had “three strikes” under 28 U.S.C. § 1915(g) (docket #2).

On January 20, 2011 plaintiff filed a handwritten document, not on the court’s form, that he called “motion of declaration of request for leave to proceed *in forma pauperis*” (docket #6). He repeats some of the allegations set forth in an earlier “affidavit” (which the court struck from the record, *see* docket #4) that he fears for his life in prison. Plaintiff has already been advised that these allegations are unrelated to the complaint in this action and that if he fears imminent serious physical harm he should file a new action setting forth those allegations. Plaintiff’s motion is denied.

In its December 17, 2010 Order, the court directed plaintiff to submit the \$350.00 filing fee within thirty (30) days (docket #2). The court expressly warned plaintiff that failure to respond to this court’s order would result in dismissal of this action. The order was served on plaintiff at his

1 address of record.

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

4 **IT IS THEREFORE ORDERED** that this action is **DISMISSED without prejudice**
5 for the failure of plaintiff to comply with this court's order to pay the filing fee.

6 **IT IS FURTHER ORDERED** that plaintiff's "motion of declaration of request for leave
7 to proceed *in forma pauperis*" (docket #6) is **DENIED**.

8 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly
9 and close this case.

10 DATED: February 8, 2011

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UNITED STATES DISTRICT JUDGE