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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JIMMIE STEPHEN, CDCR#C-56483,)	
)	
Plaintiff,)	Case No. 3:08-cv-00476-LRH-VPC
)	
vs.)	
)	<u>ORDER</u>
ACCESS SECUREPAK, <i>et al.</i> ,)	
)	
Defendants.)	

Plaintiff Jimmie Stephen, a prisoner in California, submitted a *pro se* complaint to this Court seeking to initiate a civil rights action. Plaintiff also submitted an application to proceed *in forma pauperis* (“IFP”). On July 20, 2009, the Court vacated and withdrew its prior order that had granted plaintiff’s pauper application. (Order, #7). The Court found that plaintiff may not proceed IFP because he had “struck out” within the meaning of 28 U.S.C. § 1915(g). The Court then ordered plaintiff must prepay the \$350.00 filing fee in full no later than thirty (30) days after entry of the order.

Plaintiff subsequently filed a Motion to Alter or Amend Proposed Judgment Vacating Forma Pauperis (#8). Plaintiff essentially argues that the Court should allow him to proceed *in forma pauperis* because the Ninth Circuit granted his pauper application in one of his appeals, and his “strikes” occurred in California, not in this Court. Plaintiff’s arguments are unpersuasive. The Court’s analysis or reasoning in its prior order (#7) remains unchanged, as plaintiff has not indicated in any way that he is

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1 in imminent danger of serious physical injury. Plaintiff has not paid the filing fee in response to the
2 Court's order, and the action will be dismissed.

3 **IT IS THEREFORE ORDERED** that this action shall be **DISMISSED** without prejudice for
4 failure to pay the filing fee. The Clerk of Court shall enter final judgment accordingly.

5 DATED this 24th day of August, 2009.



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9 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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