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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL DAVITT,
#91072

Plaintiff,

vs.

MARK GIBBONS, *et al.*,

Defendants.


3:09-cv-0072-ECR-RAM

ORDER

This prison civil rights action comes before the Court following Plaintiff's failure to pay the \$350.00 filing fee in response to the Court's May 15, 2009 Order (#3). The Court denied Plaintiff's application to proceed *in forma pauperis* and ordered he must pay the full filing fee within thirty (30) days or his case would be dismissed. Plaintiff has not paid the filing fee in response to the Order, and the action will be dismissed.

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

DATED: June 24, 2009


UNITED STATES DISTRICT JUDGE