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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH - CENTRAL DIVISION

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LESTER JON RUSTON,

Plaintiff,

vs.

CHURCH OF JESUS CHRIST OF LATTER-  
DAY SAINTS, et al.,

Defendants.

**ORDER**

Judge Dee V. Benson

Case No.: 2:06-CV-526 DB

On August 13, 2007, Magistrate Judge David Nuffer issued an order finding that Plaintiff Lester Jon Ruston is not eligible to proceed in this case without prepaying the filing fee because he has filed three or more cases in federal court which have been dismissed as frivolous, and the present complaint does not fall within the three-strikes exception of 28 U.S.C. § 1915(g). In accordance with this finding, Judge Nuffer entered an order requiring Mr. Ruston to pay the \$350 statutory filing fee within thirty days. Docket no. 33, filed August 13, 2007. Mr. Ruston has failed to comply with this order. Accordingly, the court **DISMISSES** the case **WITHOUT PREJUDICE**.

DATED this 8<sup>th</sup> day of October, 2007.



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Dee Benson  
United States District Judge