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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 NEIL ADAMS MCGINNIS,

No. 4:15-cv-05005-EFS

8 Plaintiff,

**ORDER DENYING IN FORMA PAUPERIS
STATUS AND DISMISSING ACTION**

9 v.

10 BERNARD WARNER, DONALD HOLBROOK,
11 and DOCTOR EDWARDS,

12 Defendants.
13

14 By Order filed February 20, 2015, the Court directed Plaintiff
15 to show cause within thirty (30) days why he should not be precluded
16 from proceeding in this action *in forma pauperis* under 28 U.S.C.
17 § 1915(g). ECF No. 8. The Court instructed him to file no further
18 documents in this action, other than a Response to the Order to Show
19 Cause or full payment of the \$400.00 filing fee.

20 On March 2, 2015, Plaintiff submitted various additional
21 documents, including a proposed amended complaint, letters, and
22 exhibits. ECF Nos. 9-12. These documents are non-compliant with the
23 instruction that he restrain his writings within one inch margins on
24 documents.

25 On March 24, 2015, Plaintiff submitted an 18 page document
26 stating, "why I have failed to respect Court's deadline of 3-20-2015

1 and my pray for relief under Federal Rules of Civil Procedure that I
2 pray for relief that Courts in their inherent powers to do so will
3 invoke in its own discretion as it deems proper and appropriate." ECF
4 No. 13 at 1. This document is not responsive to the Order to Show
5 Cause. On April 7, 2015, Plaintiff appealed the Order to Show Cause,
6 ECF NO. 14. The Court finds that it retains jurisdiction over this
7 action as no final order has been entered.

8 Plaintiff has presented no clear facts from which the Court
9 could infer that he is under imminent danger of serious physical
10 injury. For the reasons set forth in the Order to Show Cause, ECF No.
11 8, **IT IS ORDERED** that Plaintiff's application to proceed *in forma*
12 *pauperis* is **DENIED** as precluded under 28 U.S.C. § 1915(g). Although
13 granted the opportunity to do so, Plaintiff did not pay the \$400.00
14 required to commence this action.

15 Accordingly, **IT IS HEREBY ORDERED:**

16 1. This action is **DISMISSED** for failure to comply with 28
17 U.S.C. § 1914.

18 2. All pending motions are **DENIED as moot.**

19 **IT IS SO ORDERED.** The District Court Clerk is directed to enter
20 this Order, enter judgment, forward a copy to Plaintiff and close the
21 file.

22 **DATED** this 13th day of April 2015.

23 s/Edward F. Shea

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EDWARD F. SHEA
25 Senior United States District Judge
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