

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Sharrod Moten v. Eastern District Courthouse of California, et al.

Moten · No. 1:24-cv-01387-KES-SAB · Decided September 12, 2025

OPINION

Moten

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 SHARROD MOTEN, Case No.: 1:24-cv-01387-KES-SAB 12 Plaintiff, ORDER
DISMISSING ACTION

WITHOUT PREJUDICE FOR FAILURE TO

13 v. PAY THE FILING FEE

14 EASTERN DISTRICT COURTHOUSE Doc. 10

OF CALIFORNIA, et al., 15 Defendants. 16 17 Plaintiff Sharrod Moten is state prisoner
proceeding pro se in this civil rights action 18 pursuant to 42 U.S.C. § 1983. On February 10,
2025, the assigned magistrate judge issued 19 findings and recommendations recommending that
plaintiff's application to proceed in forma 20 pauperis be denied and requiring plaintiff to pay the
filing fee in full. Doc. 9. The findings and 21 recommendations concluded that plaintiff was
subject to the three-strikes bar of 28 U.S.C. 22 § 1915(g) and that plaintiff failed to show he was
in imminent danger of physical injury sufficient 23 to warrant an exception under § 1915. Id. 24
On March 19, 2025, the Court adopted the findings and recommendations, denied 25 plaintiff's
motion to proceed in forma pauperis, and ordered plaintiff to pay the \$405 filing fee in 26 full
within 21 days. Doc. 12. Plaintiff was warned if he failed to pay the filing fee within the 27
specified time, the action would be dismissed without further notice. Id. at 2. Despite the Court's
warning, plaintiff has failed to pay the required filing fee and the deadline for him to do so has 1 |
expired. Without such payment, the action cannot proceed before the Court. See *Saddozai v. 2 |*
Davis, 35 F.4th 705, 709 (9th Cir. 2022). 3 Accordingly, the Court ORDERS: 4 1. This action is
dismissed without prejudice for plaintiffs failure to pay the filing fee. 5 2. The Clerk of the Court
is directed to terminate any pending motions and close this case. 6

7 IT IS SO ORDERED. _

Dated: _ September 11, 2025 4h

9 UNITED STATES DISTRICT JUDGE

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