

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kelly v. Oglesby

Kelly · No. 1:25-cv-00042-KES-SAB (PC) · Decided August 4, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed James Carl Kelly’s action without prejudice after he failed to pay the filing fee despite being ordered to do so following a determination that he had three strikes under 28 U.S.C. § 1915(g). The court directed the Clerk to close the case.

OPINION

(PC) Kelly v. Oglesby

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 JAMES CARL KELLY, No. 1:25-cv-00042-KES-SAB (PC)

12 Plaintiff, ORDER DISMISSING ACTION WITHOUT

PREJUDICE

13 v. 14 WILLIAM OGLESBY, et al., 15 Defendants. 16 17 On June 26, 2025, the Court
determined that plaintiff had accumulated three strikes 18 under 28 U.S.C. § 1915(g) and ordered
him to pay the filing fee within 30 days to proceed with 19 this action. Doc. 15. Despite the
Court’s warning that “failure to pay the required filing fee as 20 ordered will result in the
dismissal of this action without prejudice and without further notice,” 21 id. at 3, plaintiff has
failed to pay the required fee. Without such payment, this action cannot 22 proceed. See 28 U.S.C.
§ 1914(a); L.R. 121(c); Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 23 1995); Saddozai v.
Davis, 35 F.4th 705, 709 (9th Cir. 2022). 24 /// 25 /// 26 /// 27 /// 28 /// 1 Accordingly: 2 1. This
action is dismissed without prejudice for plaintiff’s failure to pay the filing 3 fee; and 4 2. The
Clerk of the Court is directed to close this case. 5 6

7 IT IS SO ORDERED. _

8 Dated: _ August 1, 2025 4h

UNITED STATES DISTRICT JUDGE

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-california-united-states-district-court-for/2025/kelly-v-oglesby-tu2lms0w>