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

REVEREND WESLEY CRAWFORD SR.,)
SHONTELLE CRAWFORD, and PRECIOUS)
RECHELLE LEWIS,)

Plaintiffs,

v.

KERN COUNTY SCHOOL DISTRICT)
BOARD OF TRUSTEES, DONALD)
CARTER, KERN HIGH SCHOOL)
DISTRICT, SUPERINTENDANT, and)
DEAN MCGREE, KERN HIGH SCHOOL)
DISTRICT, WEST HIGH SCHOOL)
PRINCIPAL,)

Defendants.

Case No. 1:10-cv-0425-OWW-JLT

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING
PLAINTIFFS' MOTIONS TO PROCEED IN
FORMA PAUPERIS (Docs. 6, 7, 8).

ORDER DISMISSING PLAINTIFFS'
COMPLAINT WITH LEAVE TO AMEND

ORDER DIRECTING PLAINTIFFS
WESLEY AND SHONTELLE CRAWFORD
TO PAY FILING FEE AT TIME OF FILING
FIRST AMENDED COMPLAINT UNLESS
ANOTHER PLAINTIFF FILES A MOTION
TO PROCEED IN FORMA PAUPERIS

ORDER DIRECTING PLAINTIFF
PRECIOUS LEWIS TO PAY FILING FEE
OR SUBMIT NEW APPLICATION TO
PROCEED IN FORMA PAUPERIS WHEN
SHE FILES FIRST AMENDED
COMPLAINT UNLESS ANOTHER
PLAINTIFF FILES A MOTION TO
PROCEED IN FORMA PAUPERIS

1 Plaintiffs are proceeding *pro se* and *in forma pauperis* with a civil rights action pursuant
2 to 42 U.S.C. § 1983. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C.
3 § 636(b) and Local Rules 302 and 304.

4 On May 12, 2010, the Magistrate Judge filed findings and recommendations that the
5 District Judge deny each plaintiffs' respective application to proceed in forma pauperis. With
6 respect to Plaintiffs Wesley and Shontelle Crawford, the Court found that their income was
7 sufficient to allow the to pay the filing fee. (Doc. 10 at 3-4). With respect to Plaintiff Precious
8 Lewis, the Court recommended that her application be denied for failure to comply with the
9 Court's order. (*Id.* at 2-3). In addition, the Court recommended that the IFP applications be
10 denied pursuant to 28 U.S.C. § 1915(e)(2) because the complaint failed to state a claim. (*Id.* at
11 4).

12 The Court further recommended that Plaintiff be granted leave to file an amended
13 complaint. (Doc. 10 at 16). The Court recommended that if an amended complaint is filed,
14 Plaintiff's Wesley and Rechelle Crawford pay the filing fee at that time unless a co-plaintiff filed
15 a new IFP motion. (*Id.*) The Court recommended that Plaintiff Lewis either pay the filing fee at
16 that time or submit a complete, signed application to proceed IFP unless a co-plaintiff filed an
17 IFP motion. (*Id.*) The findings and recommendations were served on all parties on May 17,
18 2010, and contained notice requiring any objections be filed within 20 days of service of a copy
19 of the said findings and recommendations. (*Id.* at 17). No party has filed any objections.

20 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley
21 United School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court has conducted a *de novo*
22 review of the case. Having carefully reviewed the entire file, the Court finds that the findings
23 and recommendation are supported by the record and proper analysis.

24 Accordingly, IT IS HEREBY ORDERED that:

- 25 1. The findings and recommendations filed May 12, 2010, are ADOPTED IN FULL;
- 26 2. The Motions to Proceed in forma pauperis by plaintiffs, Wesley
27 and Shontelle Crawford, are DENIED;
- 28 3. Plaintiffs, Wesley and Shontelle Crawford, are ORDERED to pay

1 the filing fee at the time they file their First Amended Complaint
2 *unless* a co-plaintiff files a motion to proceed in forma pauperis at
3 that time;

4 4. The Motion to Proceed in forma pauperis by plaintiff, Precious
5 Lewis, is DENIED without prejudice;

6 5. Plaintiff, Precious Lewis, is ORDERED to pay the filing fee or
7 submit a complete, signed application to proceed in forma pauperis
8 at the time she files her First Amended Complaint *unless* a co-
9 plaintiff files a motion to proceed in forma pauperis;

10 6.. The complaint IS DISMISSED WITH LEAVE TO AMEND for failure to state a
11 claim upon which relief may be granted;

12 7. Plaintiffs are granted thirty (30) days from service of this order to
13 file a First Amended Complaint; and

14 8. Plaintiffs ARE INFORMED that failure to comply with the
15 provisions of this order will result in the dismissal or termination
16 of this action.

17
18 IT IS SO ORDERED.

19 **Dated:** June 18, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE