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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,
Plaintiff,

v.

RIOS,
Defendant.

Case No. 1:16-cv-00596-AWI-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO:**

- 1. DENY PLAINTIFF LEAVE TO
PROCEED IN FORMA PAUPERIS**
- 2. REQUIRE PLAINTIFF TO PAY
FILING FEE IN FULL WITHIN
TWENTY-ONE DAYS**

(ECF Nos. 13, 14)

**TWENTY-ONE DAY DEADLINE TO PAY
FEE**

Plaintiff is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on April 28, 2016. (ECF No. 1.)

On May 3, 2016, the Magistrate Judge assigned to this case issued an order directing Plaintiff to submit an application to proceed in forma pauperis ("IFP") or pay the filing fee within forty-five days. (ECF No. 4.) After the forty-five days passed and Plaintiff had neither paid the fee nor filed an application to proceed IFP, the Magistrate Judge issued an order for Plaintiff to show cause why his action should not be dismissed for failure to pay the filing fee or an application to proceed IFP. (ECF No. 8.)

Plaintiff's response to the order to show cause set forth the reasons why Plaintiff believed he was entitled to IFP status. (ECF No. 11.) The Magistrate Judge, noting that these arguments were premature since Plaintiff had still not filed an application to proceed IFP, issued a second order directing Plaintiff to pay the fee or file an application to proceed IFP. (ECF No. 12.)

1 On September 26, 2016, Plaintiff filed a motion to proceed IFP. (ECF No. 13.) On
2 September 27, 2016, the Magistrate Judge issued findings and recommendations (“F&R”)
3 to deny Plaintiff’s motion for leave to proceed IFP pursuant to the “three strike rule” and to
4 require Plaintiff to pay the filing fee in full within twenty-one days. (ECF No. 14.) Plaintiff
5 was granted fourteen days to file objections to the F&R. Id.

6 More than fourteen days have passed and Plaintiff has filed no objections, nor has
7 he sought an extension of time to do so.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304,
9 the Court has conducted a de novo review of this case. Having carefully reviewed the entire
10 file, the Court finds the findings and recommendations to be supported by the record and
11 by proper analysis.

12
13 Accordingly, it is HEREBY ORDERED that:

- 14 1. The findings and recommendations filed on September 27, 2016 (ECF No. 14) are
15 ADOPTED in full;
16 2. Plaintiff’s motion to proceed in forma pauperis (ECF No. 13) is DENIED;
17 3. Plaintiff shall pay the \$400 filing fee in full within twenty-one days of entry of this
18 order; and
19 4. If Plaintiff fails to pay the \$400 filing fee in full by the above deadline, all pending
20 motions will be terminated and the action dismissed without further notice.

21
22 IT IS SO ORDERED.

23 Dated: November 14, 2016


24 SENIOR DISTRICT JUDGE