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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

NO. 1:20-cv-0488 NONE JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO DENY PLAINTIFF
LEAVE TO PROCEED IN FORMA PAUPERIS
UNDER 28 U.S.C. § 1915(g)

(Doc. No. 5)

THIRTY-DAY DEADLINE

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 10, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s application for leave to proceed *in forma pauperis* be denied based upon his having previously filed three or more actions that were dismissed as frivolous or malicious, or for failure to state a claim. (Doc. No. 5.) The findings and recommendations also concluded that the allegations of plaintiff’s complaint did not trigger the exception to the three strikes provision for allegations of imminent danger of serious physical

1 injury. 28 U.S.C. § 1915(g). (*Id.*) The findings and recommendations were served on plaintiff
2 and contained notice to plaintiff that any objections to the findings and recommendations were to
3 be filed within fourteen days. Plaintiff has not filed objections to the findings and
4 recommendations and the time in which to do so has now passed.

5 The court has reviewed the file and finds the findings and recommendations to be
6 supported by the record and proper analysis. Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed November 10, 2020 (Doc. 5), are adopted in
8 full;
- 9 2. Pursuant to 28 U.S.C. § 1915(g), plaintiff is denied leave to proceed in this action in
10 forma pauperis under 28 U.S.C. § 1915(g); and
- 11 3. Plaintiff shall pay the \$402.00 filing fee in full within thirty days before proceeding in
12 this action. Failure to pay the filing fee in full will result in the dismissal of this action.

13 IT IS SO ORDERED.

14 Dated: December 10, 2020

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17 UNITED STATES DISTRICT JUDGE
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