

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

CION PERALTA,

Plaintiff,

No. CIV S-09-3228 FCD GGH P

vs.

MICHAEL MARTEL, et al.,

Defendants.

ORDER

_____/

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 February 1, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.

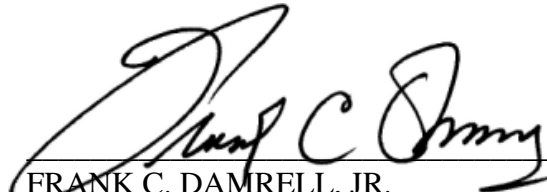
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 1, 2011, are adopted;
2. Defendants' motions (Docket Nos. #15 and #19) are granted,¹ and plaintiff's in forma pauperis status is revoked;
3. Within 28 days of service of this order, plaintiff shall pay the requisite filing fees or this case will be dismissed.

DATED: February 24, 2011.


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

¹ Defendants' motions with respect to plaintiff's IFP status are granted. The F&Rs did not address the underlying merits of plaintiff's case. As such, the action is not dismissed unless plaintiff fails to pay the requisite filing fee within the allotted time.