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

EDWARD THOMAS,

Plaintiff,

No. 2:10-cv-01300 MCE CKD P

vs.

M. BEUTLER, 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 November 7, 2012, 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 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed November 7, 2012 (Dkt. No. 72) are
3 adopted in full;

4 2. Defendant's motion for order revoking plaintiff's IFP status (Dkt. No. 66) is
5 granted;

6 3. Plaintiff is declared a three-strikes litigant pursuant to section 1915(g); and

7 4. Plaintiff is now required to submit the \$350.00 filing fee for this action or face
8 dismissal of this action, as he has not demonstrated that he faced imminent danger of serious
9 physical injury at the time he filed his complaint.¹

10 Dated: December 20, 2012



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12 MORRISON C. ENGLAND, JR., CHIEF JUDGE
13 UNITED STATES DISTRICT JUDGE

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24 ¹ Plaintiff's complaint asserts claims against various defendants at High Desert State
25 Prison-Susanville for the use of excessive force in violation of the Eighth Amendment and for an
26 alleged false and retaliatory disciplinary report. At the time plaintiff filed his complaint, plaintiff
 was incarcerated at the Salinas Valley State Prison-Soledad, which is also his current place of
 incarceration. (See Dkt. No. 1, Proof of Service.) Plaintiff has not demonstrated that the
 imminent danger exception applies to his case.