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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

INMATE # V74523

CASE NUMBER

Dorian L. Gutierrez,

5:20-cv-01957 RGK (PVC)

PLAINTIFF(S)

v.

Ralph Diaz, et al.,

**ORDER RE REQUEST TO PROCEED WITHOUT
PREPAYMENT OF FILING FEES**

DEFENDANT(S)

IT IS ORDERED that the Request to Proceed Without Prepayment of Filing Fees is hereby GRANTED.

IT IS FURTHER ORDERED that, in accordance with 28 U.S.C. § 1915, the prisoner-plaintiff owes the Court the total filing fee of \$350.00. An initial partial filing fee of \$ _____ must be paid within thirty (30) days of the date this order is filed. Failure to remit the initial partial filing fee may result in dismissal of the case. Thereafter, monthly payments shall be forwarded to the Court in accordance with 28 U.S.C. § 1915(b)(2).

Date

United States Magistrate Judge

IT IS RECOMMENDED that the Request to Proceed Without Prepayment of Filing Fees be **DENIED** for the following reason(s):

- | | |
|---|--|
| <input type="checkbox"/> Inadequate showing of indigency. | <input checked="" type="checkbox"/> Frivolous, malicious, or fails to state a claim upon which relief may be granted. |
| <input type="checkbox"/> Failure to authorize disbursements from prison trust account to pay the filing fees. | <input type="checkbox"/> Seeks monetary relief from a defendant immune from such relief. |
| <input type="checkbox"/> Failure to provide certified copy of trust fund statement for the last six (6) months. | <input type="checkbox"/> Leave to amend would be futile. |
| <input type="checkbox"/> District Court lacks jurisdiction. | <input type="checkbox"/> This denial may constitute a strike under the "Three Strikes" provision governing the filing of prisoner suits. <i>See O'Neal v. Price</i> , 531 F.3d 1146, 1153 (9th Cir. 2008). |
| <input type="checkbox"/> Other _____ | |

Comments:

Plaintiff claims that the CDCR improperly rescinded prisoners' right to file group grievances. There is no constitutional right to a particular grievance process. *Mann v. Adams*, 855 F.2d 639, 640 (9th Cir. 1988).

September 25, 2020

Date

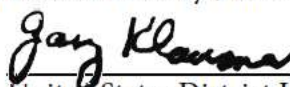

United States Magistrate Judge

IT IS ORDERED that the Request to Proceed Without Prepayment of Filing Fees is:

- ☐ **GRANTED. IT IS FURTHER ORDERED** that, in accordance with 28 U.S.C. § 1915, the prisoner-plaintiff owes the Court the total filing fee of \$350.00. An initial partial filing fee of \$ _____ must be paid within thirty (30) days of the date this order is filed. Failure to remit the initial partial filing fee may result in dismissal of the case. Thereafter, monthly payments shall be forwarded to the Court in accordance with 28 U.S.C. § 1915(b)(2).
- ☐ **DENIED.** Plaintiff SHALL PAY THE FILING FEES IN FULL within 30 days or this case will be dismissed.
- ☒ **DENIED**, and this case is hereby DISMISSED immediately.
- ☐ **DENIED, with leave to amend within 30 days.** Plaintiff may re-submit the IFP application and Complaint to this Court, if submitted with the Certified Trust Account Statement and Disbursement Authorization. Plaintiff shall utilize the same case number. If plaintiff fails to submit the required documents within 30 days, this case shall be DISMISSED.

October 16 2020

Date


United States District Judge