

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  
27  
28

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

QUETZAL CONTRERAZ,  
Plaintiff,

vs.

D. ADAMS, et al.,

Defendants.

1:04-cv-06039-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(Doc. 89.)

ORDER REVOKING PLAINTIFF'S IN FORMA  
PAUPERIS STATUS

ORDER VACATING ORDERS GRANTING  
LEAVE TO PROCEED IN FORMA PAUPERIS  
AND DIRECTING CDCR TO MAKE  
PAYMENTS FROM PLAINTIFF'S PRISON  
TRUST ACCOUNT  
(Docs. 4, 5.)

ORDER REQUIRING PLAINTIFF TO PAY  
\$59.97 BALANCE OWED OF FILING FEE IN FULL  
WITHIN FIFTEEN (15) DAYS OR CASE WILL BE  
DISMISSED

\_\_\_\_\_ /

Quetzal Contreras ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 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 20, 2012, findings and recommendations were entered, recommending that Plaintiff's in forma pauperis status be revoked, and Plaintiff be required to pay the \$59.97 balance owed of the \$150.00 filing fee in full within fifteen days. Plaintiff was provided an opportunity to file

1 objections to the findings and recommendations within thirty days.<sup>1</sup> To date, Plaintiff has not filed  
2 objections or otherwise responded to the findings and recommendations.

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

6 Accordingly, THE COURT HEREBY ORDERS that:

- 7 1. The Findings and Recommendations issued by the Magistrate Judge on November 20,  
8 2012, are ADOPTED in full;
- 9 2. Plaintiff's in forma pauperis status is REVOKED, pursuant to 28 U.S.C. § 1915(g);
- 10 3. The Court's orders of August 26, 2004, which granted Plaintiff in forma pauperis status  
11 and directed the Director of the California Department of Corrections and Rehabilitation  
12 or his designee to deduct payments for the \$150.00 filing fee from Plaintiff's trust  
13 account, are VACATED;
- 14 4. The Clerk of the Court is DIRECTED to serve a copy of this order on (1) the Financial  
15 Department, U.S. District Court, Eastern District of California, Fresno Division, and (2)  
16 the Director of the California Department of Corrections and Rehabilitation via the  
17 Court's electronic case filing system (CM/ECF); and
- 18 5. Plaintiff is required to PAY the balance of \$59.97 owed for the filing fee for this action,  
19 in full, within **fifteen (15) days** or this action will be dismissed, without prejudice.

20 IT IS SO ORDERED.

21 **Dated: January 17, 2013**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

22  
23  
24  
25 

---

1 On December 4, 2012, the U.S. Postal Service returned the findings and recommendations order to the  
26 Court as undeliverable, with a notation on the envelope "Undeliverable, Return to Sender." (Court Docket.)  
27 On December 6, 2012, Plaintiff notified the Court of his new address. (Doc. 90.) On December 7, 2012,  
28 the Court re-served the order upon Plaintiff at his new address. (Court Docket.) More than thirty days have  
now passed since the date the Court re-served the order.