

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

KENNETH ALAN SIERRA,

NO. 1:07 cv 00149 AWI GSA PC

Plaintiff,

ORDER RE: FINDINGS &  
RECOMMENDATIONS

v.

Document # 75

J. WOODFORD, et al.,

FILING FEE DUE IN THIRTY DAYS

Defendants.

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 April 23, 2010, [findings and recommendations](#) were entered, recommending that Plaintiff's in forma pauperis status be revoked pursuant to 28 U.S.C. § 1915(g), and Plaintiff be directed to submit the filing fee in full. Plaintiff requested an extension of time and on May 28, 2010, Plaintiff was granted an extension of time to file objections. Plaintiff requested a second extension of time, and on July 16, 2010, Plaintiff was granted a thirty day extension of time. On August 24, 2010, Plaintiff was granted a third extension of time. On October 7, 2010, Plaintiff was granted a fourth extension of time. On April 13, 2011, Plaintiff request yet another extension of time to file objections.

On April 14, 2011, the Magistrate Judge entered a final order granting Plaintiff an extension of time to file objections. The Magistrate Judge noted that, in his requests for extensions of time, Plaintiff made vague arguments regarding difficulties he is having gaining access to his legal property, as well as allegations regarding "obstruction of mail." Plaintiff re-asserted rambling arguments regarding events that occurred in 1999, argument that the Court addressed in earlier rulings. Plaintiff was specifically advised that the sole issue before the Court

1 is that Plaintiff is not entitled to proceed in forma pauperis unless he meets the standard set forth  
2 in 28 U.S.C. § 1915(g). The Court found that the operative pleading in this case failed to meet  
3 that standard. Plaintiff was specifically advised that because the operative pleading is based on  
4 factual allegations, Plaintiff has personal knowledge of the facts alleged. No legal research is  
5 required, and Plaintiff does not need access to the law library to address the objections. Plaintiff  
6 was cautioned that, although he would be granted an extension of time, no further extensions of  
7 time would be granted. Plaintiff was specifically cautioned that thirty days from the date of  
8 service of the April 14, 2011, order, the recommendation would be submitted to the District  
9 Court, regardless of whether objections have been filed. On May 20, 2010, Plaintiff requested  
10 another extension of time. Plaintiff lists several grounds - his housing status, difficulty in getting  
11 copies, access to his legal materials, "conspiratorial collusion" on behalf of law library staff.  
12 Plaintiff's request is unpersuasive.

13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this  
14 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
15 court finds the findings and recommendations to be supported by the record and proper analysis.

16 Accordingly, THE COURT HEREBY ORDERS that:

- 17 1. The Findings and Recommendations issued by the Magistrate Judge on April 23,  
18 2010, are adopted in full; and
- 19 2. Plaintiff's in forma pauperis status is revoked pursuant to 28 U.S.C. § 1915(g).
- 20 3. Plaintiff is directed to submit, within thirty days of the date of service of this order, the  
21 \$350.00 filing fee for this action. Plaintiff's failure to pay the filing fee, in full, will result in  
22 dismissal of this action pursuant to Local Rule 110 for Plaintiff's failure to prosecute and to obey  
23 a court order.

24 IT IS SO ORDERED.

25 **Dated:** May 27, 2011

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