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

CHRISTOPHER S. RIDER,

Plaintiff,

v.

SGT. HERRERA, et al.,

Defendants.

NO. 1:07 cv 01861 LJO GSA PC

ORDER RE: FINDINGS &
RECOMMENDATIONS

Document # 44

Plaintiff is a state prisoner proceeding pro se in this civil rights action. 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 March 15, 2011, [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 \$350.00 filing fee in full. Plaintiff was provided an opportunity to file objections within thirty days. On March 18, 2011, Plaintiff filed a motion for extension of time in which to respond to Defendants' motion to dismiss. In his motion, Plaintiff contends that he is having difficulties making copies of his legal documents. Specifically, Plaintiff refers to a prison policy that disallows requests for copies of documents that exceed 50 pages in length. Plaintiff indicates that he needs 149 pages to object to the findings and recommendation. Plaintiff also indicates that he is also having difficulties in accessing the law library. The issue in this matter is

1 clear. The Court has found that Plaintiff has suffered three “strikes” within the meaning of 28
2 U.S.C. § 1915(g) and has not alleged any facts in the operative pleading indicating that he is in
3 imminent danger of serious physical injury. There is no reason to delay this action in order for
4 Plaintiff to prepare a 149 page response. No motions for extension of time are warranted.

5 On April 7, 2011, Plaintiff filed a motion styled as a response to the motion to revoke
6 Plaintiff’s in forma pauperis status. In this response, Plaintiff makes vague and rambling
7 arguments regarding the U.S. Constitution and Federal Rule of Civil Procedure 11(b). Plaintiff
8 appears to argue that the allegations in the operative pleading meet the imminent danger
9 exception of 28 U.S.C. § 1915(g). As noted in the March 15, 2011, recommendation, this action
10 proceeds on Plaintiff’s claims against Defendants Santos, Herrera and McBride for allegedly
11 depriving Plaintiff of certain items of religious property in violation of the First Amendment and
12 the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1 (RLUIPA).
13 Although Plaintiff references the Eighth Amendment in his response, there are no allegations in
14 this action that indicate that Plaintiff was in imminent danger of serious physical injury. Plaintiff
15 has also filed documents titled as a motion for forgiveness, a response to Defendants’ reply, and a
16 notice of demand for bench trial. The Court has reviewed all these documents, and finds that
17 Plaintiff has not set forth any ground on which the recommendation should be vacated.

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

21 Accordingly, THE COURT HEREBY ORDERS that:

- 22 1. The Findings and Recommendations issued by the Magistrate Judge on March 15,
23 2011, are adopted in full; and
- 24 2. Plaintiff’s in forma pauperis status is revoked pursuant to 28 U.S.C. § 1915(g).
- 25 3. Plaintiff shall submit, within thirty days of the date of service of this order, the
26 \$350.00 filing fee, in full. Plaintiff’s failure to do so will result in dismissal of this action

1 pursuant to Local Rule 110.

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3 **Dated:** April 19, 2011

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

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