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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,  
Plaintiff,

v.

J. MARTINEZ, et al.,  
Defendants.

CASE NO.: 1:08-cv-01812-AWI-GBC (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

GRANT DEFENDANTS’ MOTION TO  
REVOKE PLAINTIFF’S IN FORMA  
PAUPERIS STATUS AND REQUIRING  
PLAINTIFF TO PAY FILING FEE IN FULL  
WITHIN THIRTY DAYS

/ (Documents #24 & #41)

Plaintiff Bryan E. Ransom, (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in 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 August 9, 2010, Defendants filed request for judicial notice and a motion to revoke Plaintiff’s in forma pauperis status pursuant to 28 U.S.C. § 1915(g). (Docs. 23, 24). On August 20, 2010, Plaintiff filed a request for judicial notice and an opposition to Defendants’ motion to revoke in forma pauperis status. (Docs. 28, 29). On August 27, 2010, Defendants filed a reply (Doc. 31).

On December 6, 2010, the Magistrate Judge filed a Findings and Recommendations herein which was served on the Plaintiff and which contained notice to the Plaintiff that any objections to the Findings and Recommendations were to be filed within thirty days. The Plaintiff filed a notice of

1 appeal on December 15, 2010 and has not timely submitted objections to the Findings and  
2 Recommendations. Because Plaintiff is attempting to appeal Findings and Recommendations and  
3 they are not a final appealable order of the court, Plaintiff's filing of the notice of appeal did not  
4 deprive the court of jurisdiction.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de*  
6 *novo* review of this case. Having carefully reviewed the entire file and Plaintiff's objections, the  
7 Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The Findings and Recommendations, filed December 6, 2010, is adopted in full;
- 10 2. Defendants' motion to revoke Plaintiff in forma pauperis status is GRANTED and  
11 Plaintiff's in forma pauperis status is revoked pursuant to 28 U.S.C. § 1915(g);
- 12 3. The Court's order directing the Director of the California Department of Corrections  
13 and Rehabilitation or his designee to deduct the \$350.00 filing fee from Plaintiff's  
14 trust account whenever the balance exceeds \$10.00 is VACATED<sup>1</sup>;
- 15 4. Plaintiff is required to pay the \$350.00 filing fee in full within thirty (30) days or this  
16 action will be dismissed, without prejudice; and
- 17 ~~4.~~ The Clerk of the Court to serve a copy of this order on (1) the Financial Department,  
18 U.S. District Court, Eastern District of California, Fresno Division and (2) the Director of the  
19 California Department of Corrections and Rehabilitation via the court's electronic case filing  
20 system (CM/ECF).

21 IT IS SO ORDERED.

22 Dated: February 9, 2011

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CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> To date, no funds have been sent to the Court for the filing fee in this action.