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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DONTE ROLANDO HARRIS,  
Plaintiff,

v.

H.A. RIOS, et al.,  
Defendants.

CASE NO. 1:09-CV-00781-AWI-MJS (PC)  
FINDINGS AND RECOMMENDATIONS  
DENYING AS MOOT DEFENDANTS  
MOTION TO REVOKE PLAINTIFF'S IN  
FORMA PAUPERIS STATUS AND TO  
DISMISS CASE  
(ECF No. 57)

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Plaintiff Donte Harris ("Plaintiff") is a federal prisoner proceeding pro se in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971). This matter proceeds on Plaintiff's Second Amended Complaint against Defendants Gonzaga, Cobb, Zaragoza, and Valero for interfering with incoming mail in violation of Plaintiff's rights under the First Amendment; against Defendant Cobb for interfering with outgoing mail in violation of Plaintiff's rights under the First Amendment; and against Defendants Estrada, Cobb, Valero, and Zaragoza for violating Plaintiff's Fourteenth Amendment due process rights in connection with Plaintiff's mail.

In lieu of an answer, on March 21, 2012, Defendants filed a motion to revoke Plaintiff's in forma pauperis status and dismiss the case (Motion to Revoke and Dismiss, ECF No. 57) on grounds Plaintiff is a "three strikes" litigant, i.e., has brought three or more

1 prior actions that were dismissed as frivolous or malicious or for failure to state a claim  
2 upon which relief may be granted. 28 U.S.C. § 1915(g).

3 On April 19, 2012, the Court granted Plaintiff's motion for a thirty day extension of  
4 time to pay the filing fee. (Order Granting Extension, ECF No. 60.)

5 On May 3, 2012, Plaintiff paid in full the \$350 filing fee. (Receipt No.  
6 CAE100018795.)

7 Based upon the foregoing, Defendant's Motion to Revoke and Dismiss is moot. It  
8 is HEREBY RECOMMENDED that Defendant's Motion to Revoke and Dismiss (ECF No.  
9 57) be DENIED as moot.

10 These Findings and Recommendations are submitted to the United States District  
11 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).  
12 Within fourteen (14) days after being served with these Findings and Recommendations,  
13 any party may file written objections with the Court and serve a copy on all parties. Such  
14 a document should be captioned "Objections to Magistrate Judge's Findings and  
15 Recommendations." Any reply to the objections shall be served and filed within ten days  
16 after service of the objections. The parties are advised that failure to file objections within  
17 the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst,  
18 951 F.2d 1153 (9th Cir. 1991).

19  
20 IT IS SO ORDERED.

21 Dated: July 14, 2012

*1st Michael J. Song*  
22 UNITED STATES MAGISTRATE JUDGE