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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

<p>REX CHAPPELL,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p style="padding-left: 100px;">vs.</p> <p>T. STANKORB, et al.,</p> <p style="padding-left: 100px;">Defendants.</p>	<p>) 1:11cv01425 LJO DLB PC</p> <p>)</p> <p>) ORDER ADOPTING FINDINGS</p> <p>) AND RECOMMENDATIONS AND</p> <p>) GRANTING DEFENDANTS' MOTION TO</p> <p>) REVOKE PLAINTIFF'S IN FORMA</p> <p>) PAUPERIS STATUS</p> <p>) (Document 42)</p> <p>)</p> <p>) ORDER VACATING ORDER GRANTING</p> <p>) PLAINTIFF'S IN FORMA PAUPERIS</p> <p>) STATUS</p> <p>) (Document 3)</p> <p>)</p> <p>) ORDER TO PAY FILING FEE WITHIN</p> <p>) THIRTY (30) DAYS</p>
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Plaintiff Rex Chappell ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. This action is proceeding on Eighth Amendment claims against Defendants Holland, Reed, Stankorb, Miner, Bryant, Haak, Matzen and Frazier.

On October 25, 2013, Defendants filed a Motion to Revoke Plaintiff's in Forma Pauperis Status under 28 U.S.C. § 1915(g). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

1 On February 14, 2014, the Magistrate Judge issued Findings and Recommendations that
2 Defendants' motion be granted. The Findings and Recommendations were served on the parties
3 and contained notice that any objections were to be filed within thirty days. Neither party has
4 filed objections.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
6 a de novo review of this case. Having carefully reviewed the entire file, the Court finds that the
7 Findings and Recommendations are supported by the record and by proper analysis.
8

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Findings and Recommendations, filed February 14, 2014, are ADOPTED in
11 full;
- 12 2. Plaintiff's in forma pauperis status is REVOKED;
- 13 3. The Court's October 6, 2011, order granting Plaintiff's motion to proceed in
14 forma pauperis is VACATED;
- 15 4. Plaintiff is REQUIRED to pay the \$400.00 filing fee within thirty (30) days of the
16 date of service of this order; and
- 17 5. Defendants SHALL file a responsive pleading within fifteen (15) days after
18 receipt of electronic notification that Plaintiff has paid the filing fee.
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20 **Failure to pay the filing fee will result in dismissal of this action.**

IT IS SO ORDERED.

21 Dated: March 31, 2014

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