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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FREDERICK OWENS, JR.,

Plaintiff,

v.

R.H. TRIMBLE, et al.,

Defendants.

CASE No. 1:11-cv-01540-LJO-MJS (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS (1) GRANTING
DEFENDANTS' MOTION TO REVOKE
PLAINTIFF'S IN FORMA PAUPERIS
STATUS (2) REQUIRING PAYMENT OF
THE FILING FEE, AND (3) EXTENDING
DEFENDANTS' TIME TO FILE
RESPONSIVE PLEADING

(ECF. No. 19)

_____ /

Plaintiff, Frederick Owens, Jr., is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed on September 13, 2011 pursuant to 42 U.S.C § 1983. (ECF Nos. 1, 4.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On May 30, 2013, the Magistrate Judge issued findings and recommendations that Defendants' motion to revoke Plaintiff's IFP status (ECF No. 15) should be granted because he accrued three or more strikes and was not under imminent danger of serious physical harm at the time this action was initiated, 28 U.S.C. § 1915(g); Plaintiff should be provided with the opportunity to pay the filing fee in full; and the time for Defendants to file a responsive pleading should be extended until fifteen days after

1 notice is given by the Court Clerk that Plaintiff has paid the filing fee. (ECF No. 19.) The
2 fourteen day deadline to file objection to the findings and recommendations was June
3 17, 2013, and neither party objected or otherwise responded to the findings and
4 recommendations.

5 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review
6 of this case. Having carefully reviewed the entire file, the Court finds the findings and
7 recommendations to be supported by the record and by proper analysis.

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. The Court adopts the findings and recommendations filed on May 30,
10 2013 (ECF No. 19) in full;
- 11 2. Defendants' Motion to Revoke Plaintiff's in forma pauperis status, filed
12 November 15, 2012 (ECF No. 15), is GRANTED;
- 13 3. Plaintiff's in forma pauperis status is REVOKED;
- 14 4. Plaintiff is ordered to pay the full \$400.00 filing fee within fourteen (14)
15 days from the date of service of this order;
- 16 5. The time for Defendants to file a responsive pleading should be extended
17 until fifteen days after notice is given by the Court Clerk that Plaintiff
18 Owens has paid the filing fee; and
- 19 6. Failure to timely pay the full filing fee will result in dismissal of this action
20 without prejudice.

21 IT IS SO ORDERED.

22 **Dated: July 3, 2013**

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