

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEREMY PINSON,
Plaintiff,
v.
FEDERAL BUREAU OF PRISONS, et al.,
Defendants.

| Case No. 1:13-cv-1821-AWI-MJS (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS TO:

- (1) GRANT DEFENDANT'S REQUEST FOR JUDICIAL NOTICE;
- (2) DENY DEFENDANT'S MOTION TO REVOKE PLAINTIFF'S IN FORMA PAUPERIS STATUS;
- (3) DENY DEFENDANT'S MOTION TO DISMISS;
- (4) DENY PLAINTIFF'S MOTIONS TO DECLARE 28 U.S.C. § 1915(g) UNCONSTITUTIONAL;
- (5) DENY PLAINTIFF'S MOTIONS TO STAY COLLECTION OF FILING FEES; AND
- (6) DENY PLAINTIFF'S MOTION TO APPORTION FILING FEES AMONG CO-PLAINTIFFS;

(ECF Nos. 14, 24, 27, 31, 48)

CASE TO REMAIN OPEN

Plaintiff is a federal prisoner proceeding pro se and in forma pauperis in this Privacy Act and 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 of the United States District Court for the Eastern District of California.

On February 23, 2015, the Magistrate Judge issued findings and recommendations to (1) grant Defendant Bureau of Prisons' request for judicial notice, (2) deny Defendant's motion to revoke Plaintiff's in forma pauperis status, (3) deny

1 Defendant's motion to dismiss for failure to state a claim, (4) deny Plaintiff's motions to
2 declare 28 U.S.C. § 1915(g) unconstitutional, (5) deny Plaintiff's motions to stay
3 collection of filing fees, and (6) deny Plaintiff's motion to apportion filing fees among co-
4 plaintiffs. (ECF No. 48.) Plaintiff objected to the recommendation to deny his motions to
5 stay collection of filings fees "on the basis of the legal arguments presented in the
6 original motions." (ECF No. 50.) Defendant filed no objections.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has
8 conducted a de novo review of this case. Having carefully reviewed the entire file, the
9 Court finds the February 23, 2015 findings and recommendations to be supported by
10 the record and by proper analysis.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. The Court adopts the findings and recommendations, filed February 23,
13 2015 (ECF No. 48), in full;
- 14 2. Defendant's request for judicial notice (ECF No. 24) is GRANTED;
- 15 3. Defendant's motion to revoke Plaintiff's in forma pauperis status (ECF No.
16 24) is DENIED;
- 17 4. Defendant's motion to dismiss (ECF No. 24) is DENIED;
- 18 5. Plaintiff's motions to declare 28 U.S.C. § 1915(g) unconstitutional (ECF
19 Nos. 27 & 31) are DENIED as moot;
- 20 6. Plaintiff's motions to stay collection of filing fees (ECF Nos. 14 & 31) are
21 DENIED; and
- 22 7. Plaintiff's motion to apportion filing fees among co-plaintiffs (ECF No. 31)
23 is DENIED.

24 IT IS SO ORDERED.

25 Dated: March 26, 2015


26 SENIOR DISTRICT JUDGE