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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAKEITH L. MCCOY,
Plaintiff,
v.
A. HOLGUIN, et al.,
Defendants.

No. 1:15-cv-00768-DAD-MJS

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, REVOKING
PLAINTIFF'S *IN FORMA PAUPERIS*
STATUS, AND DIRECTING PLAINTIFF TO
PAY FILING FEE

(Doc. Nos. 44, 56)

Plaintiff is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. On July 14, 2015, plaintiff was granted leave to proceed *in forma pauperis*. (Doc. No. 9.)

On March 7, 2017, the assigned magistrate judge issued findings and recommendations recommending defendants' motion to revoke *in forma pauperis* status be granted and plaintiff be directed to pay the filing fee in full. (Doc. Nos. 44, 56.) Plaintiff filed an opposition to defendants' motion on March 9, 2017 and filed objections to the findings and recommendations on March 23, 2017. (Doc. Nos. 57, 58.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's objections, the undersigned concludes the findings and recommendations are supported

1 by the record and by proper analysis. Plaintiff's contention that he falls within the imminent
2 danger exception of 28 U.S.C. § 1915(g) because he continues to experience health problems
3 from an alleged assault occurring more than two years ago is unpersuasive. A plaintiff must
4 allege "an ongoing danger" in order to meet the imminent danger exception to § 1915(g).
5 *Andrews v. Cervantes*, 493 F.3d 1047, 1056–57 (9th Cir. 2007).

6 Accordingly:

- 7 1. The court adopts the findings and recommendations filed on March 7, 2017 (Doc. No.
8 56) in full;
- 9 2. Defendants' January 9, 2017 motion to revoke plaintiff's *in forma pauperis* status (Co.
10 No. 44) is granted;
- 11 3. Plaintiff's *in forma pauperis* status (Doc. No. 9) is revoked;
- 12 4. Plaintiff is directed to pay the required \$400 filing fee in connection with this civil
13 action within fourteen (14) days of the date of this Order; and
- 14 5. Plaintiff's failure to pay the filing fee or otherwise respond to this Court order will
15 result in the dismissal of this action.

16 IT IS SO ORDERED.

17 Dated: May 11, 2017

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20 UNITED STATES DISTRICT JUDGE
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