1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	ISAAC DA'BOUR DAWSON,	No. 1:15-cv-01867-DAD-GSA (PC)
12	Plaintiff,	
13	v.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING
14	CDCR, et al.,	MOTION TO REVOKE IN FORMA PAUPERIS STATUS
15	Defendants.	
16		(Doc. Nos. 14, 19)
17		
18	Plaintiff Isaac Da'Bour Dawson is a state prisoner proceeding pro se and in forma	
19	pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. (Doc. Nos. 1, 6.) The matter	
20	was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local	
21	Rule 302.	
22	On June 15, 2016, defendants Gonzalez, Guzman, Johnson, and Sheldon filed a motion to	
23	revoke plaintiff's in forma pauperis status under 28 U.S.C. § 1915(g). (Doc. No. 14.) On July	
24	25, 2016, the assigned magistrate judge issued findings and recommendations recommending that	
25	defendants' motion to revoke plaintiff's in forma pauperis be denied. (Doc. No. 19.) On August	
26	22, 2016, defendants filed objections to those findings and recommendations and a request for	
27	judicial notice. (Doc. Nos. 21, 22.)	
28	/////	
		1

In their objections to the findings and recommendations, defendants argue that the magistrate judge mistakenly determined that the prior dismissal of one of plaintiff's previous lawsuits, *Dawson v. Sacramento County Jail*, No. 2:12-cv-00963-JAM-GGH (E.D. Cal. Oct. 10, 2012), did not count as a strike, even though the underlying reason for that dismissal was plaintiff's failure to state a claim. (Doc. No. 21 at 1.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including defendants' objections and request for judicial notice, the court finds the findings and recommendations to be supported by the record and proper analysis. The magistrate judge properly concluded that the dismissal without prejudice in *Dawson v. Sacramento County Jail* was based upon plaintiff's failure to keep the court apprised of his address and that dismissal without prejudice on that basis did not support an inference that plaintiff could not state a cognizable claim. (Doc. No. 19 at 3–4.)

Accordingly,

- 1) The findings and recommendations filed July 25, 2016 (Doc. No. 19), are adopted in full; and
- 2) Defendants' motion to revoke plaintiff's *in forma pauperis* status (Doc. No. 14) is denied. IT IS SO ORDERED.

Dated: **November 8, 2016**

UNITED STATES DISTRICT JUDGE