



1 In their objections to the findings and recommendations, defendants argue that the  
2 magistrate judge mistakenly determined that the prior dismissal of one of plaintiff's previous  
3 lawsuits, *Dawson v. Sacramento County Jail*, No. 2:12-cv-00963-JAM-GGH (E.D. Cal. Oct. 10,  
4 2012), did not count as a strike, even though the underlying reason for that dismissal was  
5 plaintiff's failure to state a claim. (Doc. No. 21 at 1.)

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

14 Accordingly,

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

18 IT IS SO ORDERED.

19 Dated: November 8, 2016

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UNITED STATES DISTRICT JUDGE