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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 GREGORY C. BONTEMPS,

10 Plaintiff,

11 v.

12 R. PEREZ and W. SILLAS,

13 Defendants.
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Case No. 1:16-cv-01220-LJO-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF NO. 23)

ORDER VACATING ORDER GRANTING
PLAINTIFF'S APPLICATION TO
PROCEED IN FORMA PAUPERIS AND
REVOKING PLAINTIFF'S IN FORMA
PAUPERIS STATUS
(ECF NOS. 10 & 11)

ORDER REQUIRING PLAINTIFF TO PAY
\$400.00 FILING FEE IN FULL WITHIN
THIRTY DAYS

18 Gregory C. Bontemps ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma*
19 *pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to
20 a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On April 20, 2018, Magistrate Judge Erica P. Grosjean entered findings and
22 recommendations, recommending that the order granting Plaintiff's application to proceed in
23 forma pauperis (ECF No. 11) be vacated, that Plaintiff's *in forma pauperis* status in this action
24 be revoked, and that Plaintiff be required to pay the \$400 filing fee in full if he wants to
25 proceed with this action. (ECF No. 23).

26 Plaintiff was given an opportunity to object to the findings and recommendations.
27 Plaintiff filed his objections on April 30, 2018. (ECF No. 24).

28 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this

1 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,
2 the Court finds the findings and recommendations to be supported by the record and proper
3 analysis. In so finding, the Court must necessarily count as strikes certain
4 judgments/dismissals entered prior to *Williams v. King*, 875 F.3d 501 (9th Cir. 2017), by
5 magistrate judges pursuant to the consent of only the Plaintiff. In addition to the reasoning set
6 forth in the F&Rs on this issue, the Court hereby adopts the reasoning set forth in *Hoffman v.*
7 *Pulido*, No. 1:18-CV-0209-AWI-SKO PC, 2018 WL 1335594, at *5 (E.D. Cal. Mar. 15, 2018),
8 which held that such strikes are still valid post- *Williams*.

9 Accordingly, IT IS ORDERED that:

- 10 1. The findings and recommendations issued by the magistrate judge on April 20,
11 2018, are ADOPTED IN FULL;
- 12 2. The order granting Plaintiff's application to proceed in forma pauperis (ECF No.
13 11) is VACATED and Plaintiff's *in forma pauperis* status in this action is
14 REVOKED;
- 15 3. Plaintiff shall pay the \$400 filing fee in full within thirty days from the date of
16 service of this order if he wants to proceed with this action; and
- 17 4. Failure to pay the filing fee within thirty days from the date of service of this
18 order will result in the dismissal of this action.

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20 IT IS SO ORDERED.

21 Dated: May 4, 2018

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