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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VESTER L. PATTERSON,  
  
Plaintiff,  
  
v.  
  
CALIFORNIA CORRECTIONAL  
HEALTH CARE SERVICES and  
CALIFORNIA DEPARTMENT OF  
CORRECTION AND  
REHABILITATION,  
  
Defendants.

No. 1:17-cv-00224-DAD-EPG

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PLAINTIFF'S APPLICATION TO PROCEED  
IN FORMA PAUPERIS UNDER 28 U.S.C.  
§ 1915(g), AND REQUIRING PLAINTIFF TO  
PAY FILING FEE IN FULL

(Doc Nos. 2, 4, 5)

Plaintiff Vester L. Patterson, III is a state prisoner proceeding *pro se* with this civil 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.

On March 2, 2017, the assigned magistrate judge entered findings and recommendations, recommending plaintiff's application to proceed *in forma pauperis* be denied, and plaintiff be required to pay the required \$400.00 filing fee to proceed with this action. (Doc. No. 4.) The findings and recommendations were served on the parties and contained notice that objections thereto were to be filed within thirty days. On March 27, 2017, plaintiff timely filed objections to the findings and recommendations in which he argues, erroneously, that 28 U.S.C. § 1915 does

1 not apply to this civil rights action. (Doc. No. 5.)

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
3 *de novo* review of the matter. Having carefully reviewed the entire file, including plaintiff's  
4 objections, the court finds that the findings and recommendations are supported by the record and  
5 proper analysis.

6 Accordingly, it is hereby ordered that:

- 7 1. Pursuant to 28 U.S.C. § 1915(g), plaintiff's motion to proceed *in forma pauperis* in  
8 this action (Doc. No. 2) is denied; and  
9 2. In order to proceed with this action, plaintiff shall pay the \$400.00 filing fee within  
10 thirty (30) days of this order. Failure to pay the \$400 filing fee will result in dismissal  
11 of this case.

12 IT IS SO ORDERED.

13 Dated: May 15, 2017

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16 UNITED STATES DISTRICT JUDGE  
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