

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de
2 novo review of this case. Having carefully reviewed the entire file, including Plaintiff's objections,
3 the Court finds the findings and recommendations to be supported by the record and by proper
4 analysis.

5 In his objections, Plaintiff clarifies that he receives the following amounts each month: (1)
6 \$1,948.00 in Social Security payments; (2) \$1,378.00 from a pension; and (3) \$1,080.00 in Worker's
7 Compensation payments. Additionally, he clarifies that his housing payment of \$1,678.59 and his
8 consolidation loan of \$640.00 would be deducted at the end of the month from the \$3,490.00 balance
9 in his checking account. (Doc. 7.) Following this deduction, Plaintiff would have \$1171.41 in his
10 checking account at the end of the month, and would again receive payments from Social Security, his
11 pension and Worker's Compensation. Given this information, the Court cannot conclude that Plaintiff
12 is unable to pay the fees for this action.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The Findings and Recommendations issued on April 6, 2017, are adopted in full;
- 15 2. Plaintiff's application to proceed without prepayment of fees and costs (ECF No. 2) is
16 denied;
- 17 3. Within thirty (30) days, Plaintiff shall pay the \$400.00 filing fee in full to proceed with
18 this action; and
- 19 4. If Plaintiff fails to comply with this order, this action will be dismissed for failure to
20 comply with a court order and failure to prosecute this action.

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22 IT IS SO ORDERED.

23 Dated: May 1, 2017

24 /s/ Lawrence J. O'Neill
25 UNITED STATES CHIEF DISTRICT JUDGE
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