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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES BOWELL,
Plaintiff,
vs.
F. MONTOYA, et al.,
Defendants.

1:17-cv-00605-LJO-GSA-PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 39.)**

**ORDER GRANTING DEFENDANTS'
MOTION TO REVOKE PLAINTIFF'S IN
FORMA PAUPERIS STATUS
(ECF NO. 24.)**

**ORDER REVOKING PLAINTIFF'S IN
FORMA PAUPERIS STATUS AND
REQUIRING PLAINTIFF TO PAY \$398.00
BALANCE OF FILING FEE IN FULL
WITHIN THIRTY DAYS**

**ORDER VACATING ORDER GRANTING
PLAINTIFF LEAVE TO PROCEED IN
FORMA PAUPERIS AND DIRECTING
PAYMENT OF FILING FEE BY THE
CDCR
(ECF No. 9.)**

**THIRTY-DAY DEADLINE FOR
PLAINTIFF TO PAY \$398.00 BALANCE
OF FILING FEE IN FULL**

**ORDER FOR CLERK TO SERVE THIS
ORDER ON COURT'S FINANCIAL
DEPARTMENT AND DIRECTOR OF
CDCR**

James Howell ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

1 On April 12, 2019, [findings and recommendations](#) were entered, recommending that
2 Plaintiff's *in forma pauperis* status be revoked under 28 U.S.C. § 1915(g) and Plaintiff be
3 required to pay the filing fee in full for this action.¹ (ECF No. 39.) On April 19, 2019, Plaintiff
4 filed [objections](#) to the findings and recommendations. (ECF No. 40.) On April 29, 2019,
5 Defendants filed a [reply](#) to Plaintiff's objections. (ECF No. 41.)

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 Plaintiff's objections and Defendants' reply, the court finds the findings and
9 recommendations to be supported by the record and proper analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations entered on April 12, 2019, are ADOPTED IN
12 FULL;
- 13 2. Plaintiff's *in forma pauperis* status is REVOKED under 28 U.S.C. § 1915(g);
- 14 3. The court's order issued on May 16, 2017, granting Plaintiff's application to
15 proceed *in forma pauperis* and directing payment of the filing fee by the CDCR,
16 is VACATED;
- 17 4. Within thirty days of the date of service of this order, Plaintiff is required to pay
18 the \$398.00 balance of the filing fee in full for this action;
- 19 5. Plaintiff's failure to comply with this order shall result in the dismissal of this
20 action; and
- 21 6. The Clerk of Court is directed to serve a copy of this order on:
22 (1) the Financial Department, U.S. District Court, Eastern District of
23 California; and

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27 ¹ To date, the court has received one payment of \$2.00 for Plaintiff's filing fee in this case. (Court
28 Financial Records.) The filing fee for this action is \$350.00 plus a \$50.00 administrative fee. 28 U.S.C. § 1914.
The \$50.00 administrative fee does not apply to persons granted *in forma pauperis* status. *Id.* Because Plaintiff's
in forma pauperis status has been revoked, Plaintiff now owes a balance of \$398.00 for the filing fee.

1 (2) the Director of the California Department of Corrections and
2 Rehabilitation.

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4 IT IS SO ORDERED.

5 Dated: May 1, 2019

6 /s/ Lawrence J. O'Neill
7 UNITED STATES CHIEF DISTRICT JUDGE
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