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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MONICO J. QUIROGA, III,
Plaintiff,
v.
DONNY YOUNGBLOOD and KERN
COUNTY SHERIFF'S ENTITY,
Defendants.

No. 1:17-cv-00859-DAD-SKO
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DENY
PLAINTIFF'S REQUEST TO PROCEED IN
FORMA PAUPERIS
(Docs. No. 2, 12)

Plaintiff Monico J. Quiroga, III, is a state prisoner proceeding *pro se* 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.

On July 17, 2017, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion to proceed *in forma pauperis* be denied. (Doc. No. 12.) The findings and recommendations were served on plaintiff and contained notice that objections thereto were due within twenty-one days. (*Id.*) On July 27, 2017, plaintiff filed timely objections. (Doc. No. 13.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's

1 objections, the court finds the findings and recommendations to be supported by the record and
2 by proper analysis. As the magistrate judge correctly concluded, plaintiff has on at least three
3 prior occasions,¹ brought an action that was dismissed on grounds that he failed to state a claim
4 upon which relief may be granted. *See* 28 U.S.C. § 1915(g). Plaintiff's objections to the findings
5 and recommendations are general in nature and fail to address the dismissals of his prior actions.
6 Nor do plaintiff's objections demonstrate the existence of circumstances amounting to an
7 imminent danger of serious physical injury at the time he filed this action. *See Andrews v.*
8 *Cervantes*, 493 F.3d 1047, 1053 (9th Cir. 2007).

9 Accordingly:

- 10 1. The July 17, 2017 findings and recommendations (Doc. No. 12) are adopted in full;
- 11 2. Within twenty-one days from the date of service of this order, plaintiff shall pay in full
12 the \$400.00 filing fee for this action; and
- 13 3. Plaintiff's failure to comply with this order shall result in the dismissal of this action.

14 IT IS SO ORDERED.

15 Dated: September 28, 2017

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18 UNITED STATES DISTRICT JUDGE

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26 ¹ *See Quiroga v. King*, 1:15-cv-01697-AWI-MJS, ECF No. 38 (Feb. 8, 2017) (dismissing action
27 with prejudice for failure to state a cognizable claim); *Quiroga v. Food Service*, 1:15-cv-01203-
28 EPG, ECF No. 24 (E.D. Cal. Aug. 23, 2016) (dismissing action for failure to state a cognizable
claim); *Quiroga v. Aguilara*, No. 1:15-cv-01202-LJO-MJS, ECF No. 23 (E.D. Cal. Aug. 18,
2016) (dismissing action with prejudice for failure to state a cognizable claim).