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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	VESTER L. PATTERSON,	No. 1:17-cv-01428-DAD-BAM
12	Plaintiff,	
13	V.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING MOTION TO PROCEED IN FORMA PAUPERIS
14	CALIFORNIA DEPARTMENT OF	
15	CORRECTIONS AND REHABILITATION, et al.,	
16	Defendants.	(Doc. Nos. 2, 6)
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18	Plaintiff Vester L. Patterson is a state prisoner proceeding <i>pro se</i> in this civil rights action	
19	brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate	
20	Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
21	On October 24, 2017, plaintiff filed a motion to proceed in forma pauperis in this action.	
22	(Doc. No. 2.) On October 30, 2017, the assigned magistrate judge issued findings and	
23	recommendations, recommending that plaintiff's motion be denied pursuant to 28 U.S.C. §	
24	1915(g) because he had suffered three prior strike dismissals, and that plaintiff be required to pay	
25	the \$400.00 filing fee in full to proceed with this action. (Doc. No. 6.) The findings and	
26	recommendations were served on plaintiff and contained notice that any objections thereto were	
27	to be filed within fourteen days after service. (Id. at 3.) After seeking and receiving two	
28	extensions of time in which to file objections to the findings and recommendations (Doc. Nos. 7,	
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8, 10, 11), plaintiff did so on February 8, 2018. (Doc. No. 12.)

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

In his objections, plaintiff contends that he is in imminent danger of serious physical injury, which would permit him to proceed *in forma pauperis* despite having three strikes against him. 28 U.S.C. § 1915(g). In support of this argument, however, plaintiff merely restates the allegations of his complaint that he is suffering from a bleeding nose, loss of appetite, and fatigue. (Doc. No. 1 at 4; Doc. No. 12 at 2.) The assigned magistrate judge previously found that these alleged conditions, even if true, do not rise to the level of imminent danger. (Doc. No. 6 at 2.) The undersigned concurs with this analysis.

- 1. The findings and recommendations issued October 30, 2017 (Doc. No. 6) are adopted in full;
- 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 3. Within twenty-one days from the date of service of this order, plaintiff is required to pay in full the \$400.00 filing fee for this action;
- 4. Plaintiff is warned that failure to comply with this order will result in the dismissal of this action without prejudice to refiling upon prepayment of the filing fee; and
- 5. The matter is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: **April 18, 2018** 

UNITED STATES DISTRICT JUDGE