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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE L. YOUNGBLOOD,
Plaintiff,
v.
D. OVERLEY,
Defendant.

No. 1:17-cv-01598-DAD-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTIONS TO PROCEED *IN FORMA
PAUPERIS*

(Doc. Nos. 2, 4, 8)

Plaintiff Jesse L. Youngblood is a state prisoner proceeding *pro se* in this civil rights action brought 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 December 1, 2017, plaintiff filed a motion to proceed *in forma pauperis*. On December 6, 2017, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff’s motion to proceed *in forma pauperis* be denied pursuant to 28 U.S.C. § 1915(g). (Doc. No.4.) The findings and recommendations were served on plaintiff and contained notice that objections thereto were due within thirty days. (*Id.* at 2–3.) Rather than filing objections, on December 18, 2017, plaintiff filed a notice of interlocutory appeal. (Doc. No. 5.) On January 5, 2018, plaintiff filed a second motion to proceed *in forma pauperis*. (Doc. No. 8.)

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

4 Accordingly,

- 5 1. The findings and recommendations issued on December 5, 2017 (Doc. No. 4) are
6 adopted in full;
- 7 2. Plaintiff's motions to proceed *in forma pauperis* (Doc. Nos. 2, 8) are denied; and
- 8 3. Plaintiff is directed to pay the \$400.00 filing fee within twenty-one (21) days of
9 service of this order. If plaintiff fails to pay the full filing fee as required within
10 the time specified in this order, this action will be dismissed.

11 IT IS SO ORDERED.

12 Dated: March 1, 2018

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15 UNITED STATES DISTRICT JUDGE

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27 ¹ As noted, plaintiff filed a notice of appeal following the issuance of the findings and
28 recommendations. (Doc. No. 5.) However, a magistrate judge's findings and recommendations
are not an appealable order. *See Serine v. Peterson*, 989 F.2d 371, 372-73 (9th Cir. 1993). The
Ninth Circuit therefore issued an order holding that it lacked jurisdiction over plaintiff's appeal
and would not allow it to proceed. (Doc. No. 9.)