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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARNEST S HARRIS,  
  
                                  Plaintiff,  
  
                                  v.  
  
AGUIRRE, et al.,  
  
                                  Defendants.

No. 1:18-cv-0080 DC SCR P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a former state prisoner proceeding pro se with a civil rights action under 42 U.S.C. §1983. Before the court is defendants’ motion to revoke plaintiff’s in forma pauperis status. (ECF No. 123.) Defendants argue that because plaintiff has been released, he is no longer entitled to proceed in forma pauperis as a prisoner under 28 U.S.C. §1915(a)(2). In his opposition, plaintiff states that his financial status has not changed since his release, he is currently living in a transitional housing facility paid for by the Department of Corrections, and he is receiving general assistance and food stamps. (ECF No. 130.) Defendants did not file a reply brief.

Plaintiff signed his opposition brief under penalty of perjury. This court finds plaintiff’s statements regarding his financial status are sufficient to permit him to continue to proceed in forma pauperis under 28 U.S.C. §1915(a)(1). It is also worth noting that while he was

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1 incarcerated, plaintiff paid the entire \$350 fee for a prisoner civil rights action. See 28 U.S.C.  
2 §1915(b).

3 Accordingly, IT IS RECOMMENDED that defendants' motion to revoke plaintiff's in  
4 forma pauperis status (ECF No. 123) be denied.

5 These findings and recommendations will be submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days  
7 after being served with these findings and recommendations, either party may file written  
8 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
9 Findings and Recommendations." The parties are advised that failure to file objections within the  
10 specified time may result in waiver of the right to appeal the district court's order. *Martinez v.*  
11 *Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 DATED: January 6, 2025

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15 SEAN C. RIORDAN  
16 UNITED STATES MAGISTRATE JUDGE  
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