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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,

Plaintiff,

v.

M. FORUM, et al.,

Defendants.

Case No. 1:18-cv-00277-DAD-MJS (PC)

**ORDER WITHDRAWING FINDINGS AND
RECOMMENDATIONS**

(ECF No. 8)

**ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS AS**

(ECF No. 7)

Plaintiff is a state prisoner proceeding pro se in this civil rights action filed on February 26, 2018. (ECF No. 1.)

Plaintiff did not prepay the filing fee as required by Local Rule 121(c) when he filed his complaint. Instead, he filed a motion for advice on how to pay the fee. (Id.) In response, on March 2, 2018, the Court referred Plaintiff to the Local Rules and gave him thirty days to pay the filing fee or a motion to proceed in forma pauperis. . (ECF No. 5.)

On March 14, 2018, Plaintiff filed a motion to proceed in forma pauperis. (ECF No. 7.) On March 21, 2018, the undersigned issued findings and recommendations to deny the motion to proceed in forma pauperis based upon Plaintiff's status as a "three striker" under 28 U.S.C. § 1915(g). (ECF No. 8.) Plaintiff was given fourteen days to file

1 objections.

2 On March 28, 2018, Plaintiff paid the \$400.00 filing fee.

3 The opportunity to proceed in forma pauperis is limited to parties who are unable
4 to pay a filing fee. See 28 U.S.C. § 1915. Plaintiff's payment of the fee reflects that he
5 was able to do so. Accordingly, his motion to proceed in forma pauperis should be
6 denied as moot. Further, that motion having been mooted, the undersigned will
7 withdraw the findings and recommendations (ECF No. 8) to deny it.

8 For the foregoing reasons, IT IS HEREBY ORDERED that:

9 (1) The findings and recommendations (ECF No. 8) on Plaintiff's motion to
10 proceed in forma pauperis is withdrawn; and

11 (2) Plaintiff's motion to proceed in forma pauperis (ECF No. 7) is denied as
12 moot.

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14 IT IS SO ORDERED.

15 Dated: April 4, 2018

/s/ Michael J. Seng
16 UNITED STATES MAGISTRATE JUDGE

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