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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNATHAN HILL,

Plaintiff,

v.

D. DOZER, et al.,

Defendants.

Case No. 1:18-cv-00326-LJO-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF NO. 10)

ORDER DENYING PLAINTIFF'S
APPLICATION TO PROCEED IN FORMA
PAUPERIS
(ECF NO. 2)

ORDER REQUIRING PLAINTIFF TO PAY
\$400.00 FILING FEE IN FULL WITHIN
THIRTY DAYS

Johnathan Hill (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil rights action filed 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 March 7, 2018, Plaintiff filed an application to proceed in forma pauperis. (ECF No. 2). On March 22, 2018, Magistrate Judge Erica P. Grosjean entered findings and recommendations, recommending that Plaintiff’s applications to proceed *in forma pauperis* be denied because Plaintiff has three 28 U.S.C. § 1915(g) “strikes” and does not qualify for the imminent danger exception. (ECF No. 10).

On April 12, 2018, Plaintiff filed his response to the findings and recommendations.

1 (ECF No. 11). Plaintiff states that it appears that Judge Grosjean is correct, but asks the Court
2 to make sure that Macias and Martinez are separate cases.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this
4 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,
5 the Court finds the findings and recommendations to be supported by the record and proper
6 analysis.

7 While the cases may be based on the same underlying incidents, Hill v. Macias (E.D.
8 CA, Case No. 1:14-cv-01425) and Hill v. Martinez (E.D. CA, Case No. 1:16-cv-00161) are
9 separate cases, and each counts as a strike for the reasons identified in the magistrate judge's
10 findings and recommendations.

11 Accordingly, IT IS ORDERED that:

- 12 1. The findings and recommendations issued by the magistrate judge on March 22,
13 2018, are ADOPTED IN FULL;
- 14 2. Plaintiff's application to proceed *in forma pauperis* is DENIED;
- 15 3. Plaintiff shall pay the \$400 filing fee in full within thirty days from the date of
16 service of this order if he wants to proceed with this action; and
- 17 4. Failure to pay the filing fee within thirty days from the date of service of this
18 order will result in the dismissal of this action.

19
20 IT IS SO ORDERED.

21 Dated: April 23, 2018

21 /s/ Lawrence J. O'Neill
22 UNITED STATES CHIEF DISTRICT JUDGE