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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID W. WILSON,  
Plaintiff,  
v.  
CALIFORNIA STATE PRISON  
CORCORAN, et al.,  
Defendants.

No. 1:18-cv-00424-DAD-JDP  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
PLAINTIFF'S MOTION TO PROCEED IN  
FORMA PAUPERIS  
(Doc. Nos. 2, 3)

Plaintiff David W. Wilson 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 April 2, 2018, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915(g) be denied and that plaintiff be required to submit the required \$400.00 filing fee for this action in full within fourteen days. (Doc. No. 3.) On April 14, 2018, plaintiff filed objections to those findings and recommendations. (Doc. No. 4.)

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

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1 plaintiff's objections, the court finds the findings and recommendations to be supported by the  
2 record and by proper analysis.

3 In his objections, plaintiff contends that he is in imminent danger of serious physical  
4 injury, which would permit him to proceed *in forma pauperis* despite having suffered three prior  
5 strike dismissals. 28 U.S.C. § 1915(g). In support of this argument, however, plaintiff merely  
6 restates the allegations of his complaint concerning retaliation and the failure of prison staff to  
7 accommodate his medical conditions. The assigned magistrate judge previously found that these  
8 alleged conditions, even if true, do not rise to the level of imminent danger of serious physical  
9 injury sufficient to qualify for the exception under § 1915(g). (Doc. No. 3 at 3.) The undersigned  
10 concurs with this analysis and conclusion.

11 Accordingly,

- 12 1. The findings and recommendations issued April 2, 2018 (Doc. No. 3) are adopted  
13 in full;
- 14 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 15 3. Within fourteen days from the date of service of this order, plaintiff is required to  
16 pay in full the \$400.00 filing fee for this action;
- 17 4. Plaintiff is warned that failure to comply with this order will result in the dismissal  
18 of this action without prejudice to refile upon prepayment of the filing fee; and
- 19 5. The matter is referred back to the assigned magistrate judge for further  
20 proceedings consistent with this order.

21 IT IS SO ORDERED.

22 Dated: July 17, 2018

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25 UNITED STATES DISTRICT JUDGE  
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