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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LIPSEY, JR.,
Plaintiff,
v.
DR. DEPOVIC, et al.,
Defendants.

No. 1:18-cv-00767-NONE-HBK (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND
DENYING DEFENDANTS’ MOTION TO
REVOKE PLAINTIFF’S *IN FORMA
PAUPERIS* PRIVILEGE
(Doc. Nos. 31, 40)

On June 28, 2018, the then-assigned magistrate judge granted plaintiff’s application to proceed *in forma pauperis* (“IFP”) in this action. (Doc. No. 9.) Defendants then moved on April 13, 2020 to revoke plaintiff’s IFP status, arguing plaintiff is a three-strikes litigant barred from proceeding in forma pauperis in this action under 28 U.S.C. § 1915(g). (Doc. No. 31.) Plaintiff filed an opposition to that motion, to which defendants filed a reply, followed by plaintiff’s sur-reply. (Doc. Nos. 33, 34, 35.) On May 27, 2021, the assigned magistrate judge recommended that the court deny defendants’ motion because defendants failed to identify three dismissal order qualifying under the statute as strikes that plaintiff had accrued prior to filing the instant action. (Doc. No. 40.) Defendants did not object to findings and recommendations, and the period to do so has now passed. (*See* docket.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings


1 and recommendations to be supported by the record and proper analysis.

2 Accordingly,

- 3 1. The findings and recommendations entered on May 27, 2021, (Doc. No. 40), are
4 adopted;
- 5 2. Defendants' motion to revoke plaintiff's *in forma pauperis* status (Doc. No. 31), is
6 denied;
- 7 3. This case is referred back to the assigned magistrate judge for further proceedings
8 consistent with this order.

9 IT IS SO ORDERED.

10 Dated: July 14, 2021

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13 UNITED STATES DISTRICT JUDGE
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