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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS L. GOFF,
Plaintiff,
v.
S. WALTERS, et al.,
Defendants.

No. 1:18-cv-00904-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, REVOKING *IN
FORMA PAUPERIS* STATUS, AND
DIRECTING PAYMENT OF FILING FEE

(Doc. Nos. 43, 45)

Plaintiff Thomas L. Goff is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action 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 July 28, 2020, defendants filed a motion requesting an order revoking plaintiff’s *in forma pauperis* status because, prior to filing this action, plaintiff had accrued three or more prior dismissals that count as strikes under 28 U.S.C. § 1915(g). (Doc. No. 43.) On August 20, 2020, the assigned magistrate judge issued findings and recommendations, recommending that defendants’ pending motion be granted. (Doc. No. 45.) Specifically, the magistrate judge found that (1) plaintiff is subject to the three strikes bar under 28 U.S.C. § 1915(g) and (2) the allegations in his complaint to do not satisfy the “imminent danger of serious physical injury”

1 exception to § 1915(g). (*Id.* at 1–2.) The findings and recommendations were served on plaintiff
2 and contained notice that objections thereto were to be filed within thirty (30) days after service.
3 (*Id.* at 2.) To date, no objections to the findings and recommendations have been filed, and the
4 time in which to do so has now passed.

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

8 Accordingly,

- 9 1. The findings and recommendations issued on August 20, 2020 (Doc. No. 45) are
10 adopted in full;
- 11 2. Defendant’s motion requesting an order revoking plaintiff’s *in forma pauperis*
12 status (Doc. No. 43) is granted;
- 13 3. The July 6, 2018 order granting plaintiff’s application to proceed *in forma*
14 *pauperis* (Doc. No. 5) is vacated;
- 15 4. Plaintiff’s *in forma pauperis* status is revoked;
- 16 5. Within thirty (30) days from the date of service of this order, plaintiff shall pay the
17 required filing fee of \$400.00 in full to proceed with this action;
- 18 6. Failure to pay the filing fee within the allotted time will result in dismissal of this
19 action; and,
- 20 7. The Clerk of the Court is directed to serve a copy of this order on the California
21 Department of Corrections and Rehabilitation and on the Financial Department of
22 the U.S. District Court for the Eastern District of California.

23 IT IS SO ORDERED.

24 Dated: October 16, 2020

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26 _____
27 UNITED STATES DISTRICT JUDGE
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