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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY SCOTT BERRINGER,)	Case No.: 1:18-cv-01017-SAB (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS, AND DENYING
v.)	PLAINTIFF’S MOTION FOR LEAVE TO
)	PROCEED IN FORMA PAUPERIS
S. URIATE, et al.,)	
)	ORDER THAT FILING FEE MUST BE PAID
Defendants.)	WITHIN THIRTY (30) DAYS
)	
)	[Doc. Nos. 2, 3]
)	
)	
)	

Plaintiff Anthony Scott Berringer is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff initiated this lawsuit by filing a complaint on July 27, 2018. (Compl., Doc. No. 1.) Plaintiff also filed a motion to proceed *in forma pauperis*. (Doc. No. 2.)

On July 30, 2018, the assigned Magistrate Judge issued findings and recommendations recommending that Plaintiff’s motion for leave to proceed in forma pauperis be denied pursuant to 28 U.S.C. § 1915(g), based on Plaintiff bringing three or more prior actions while incarcerated that were dismissed as frivolous, malicious, or for the failure to state a claim upon which relief may be granted. (Doc. No. 3.) The findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within thirty days. (*Id.* at 3-4.) The deadline to file objections has passed, and none were filed.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), the undersigned has conducted
2 a *de novo* review of the case. Having carefully reviewed the entire file, the undersigned concludes the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued on July 30, 2018 (Doc. No. 3) are adopted in
6 full;
- 7 2. Plaintiff's motion to proceed *in forma pauperis*, filed on July 27, 2018 (Doc. No. 2), is
8 denied;
- 9 3. Plaintiff must pay the \$400 filing fee to proceed in this action within thirty (30) days of this
10 order; and
- 11 4. Plaintiff is warned that the failure to pay the filing fee for this action will result in dismissal
12 of this case.

13
14 IT IS SO ORDERED.

15 Dated: October 11, 2018

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