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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CION PERALTA,  
Plaintiff,  
v.  
J. SWETALLA, et al.,  
Defendants.

No. 1:18-cv-01023-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
DEFENDANTS' MOTION TO REVOKE  
PLAINTIFF'S IN FORMA PAUPERIS

(Doc. Nos. 15, 16)

On July 30, 2018, plaintiff Cion Peralta, a state prisoner proceeding pro se, commenced this action by filing a complaint naming defendants J. Swetalla, L. Machado, V. Powers, J. Sebok, and Xavier Cano (collectively “defendants”). (Doc. No. 1.) Therein, plaintiff brings claims under the First, Eighth, and Fourteenth Amendments of the United States Constitution, as well as the Prison Rape Elimination Act and various state laws.

On June 21, 2019, defendants filed a motion seeking to revoke plaintiff’s *in forma pauperis* status and require the prepayment of filing fees, which was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. (Doc. No. 15.) On August 16, 2019, the assigned magistrate judge issued findings and recommendations recommending that defendants’ motion be denied because plaintiff was not proceeding *in forma pauperis* in this action and had instead paid the filing fee. (Doc. No. 16 at 2.) The findings and

1 recommendations were served on the parties and contained notice that any objections to the  
2 findings and recommendations were to be filed within twenty-one (21) days from the date of  
3 service. (*Id.*) The period for filing objections has passed and no objections have been filed.

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

8 Accordingly:

- 9 1. The findings and recommendations issued on August 26, 2019 (Doc. No. 16) are  
10 adopted in full; and
- 11 2. Defendants' motion to revoke plaintiff's *in forma pauperis* status and require the  
12 prepayment of filing fees (Doc. No. 15) is denied.

13 IT IS SO ORDERED.

14 Dated: December 30, 2019

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17 UNITED STATES DISTRICT JUDGE  
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