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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW A. LAWRIE,
Plaintiff,
v.
SERGEANT D. WILLIAMS, et al.,
Defendants.

No. 1:19-cv-00640-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION WITHOUT PREJUDICE

(Doc. No. 14)

Plaintiff Matthew A. Lawrie is a state prisoner proceeding *pro se* 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 May 15, 2019, the assigned magistrate judge issued findings and recommendations recommending that plaintiff be denied leave to proceed *in forma pauperis* and be required to pay the required \$400.00 filing fee in full to proceed with this action.¹ (Doc. No. 2.) Plaintiff timely filed objections on May 28, 2019. (Doc. No. 3.) On September 23, 2019, the undersigned adopted the findings and recommendations in full and ordered plaintiff to pay the \$400.00 filing

¹ On May 15, 2019, the magistrate judge found that plaintiff was ineligible for *in forma pauperis* status because he had accrued three prior strike dismissals under 28 U.S.C. § 1915(g) and did not qualify for the “imminent danger” exception outlined in § 1915(g). (Doc. No. 2 at 2–4.)

1 fee in full within thirty (30) days. (Doc. No. 6.) In that order, plaintiff was warned that if he
2 failed to pay the filing fee within the specified time, the action would be dismissed. (*Id.*)

3 On October 7, 2019, plaintiff appealed the court’s order denying him leave to proceed *in*
4 *forma pauperis* to the Ninth Circuit Court of Appeal. (Doc. No. 7.) On January 28, 2020, the
5 Ninth Circuit issued an order dismissing plaintiff’s appeal for failure to prosecute. (ECF No. 12.).

6 On February 18, 2020, the magistrate judge issued findings and recommendations
7 recommending that this action be dismissed, without prejudice, due to plaintiff’s failure to pay the
8 required filing fee, failure to obey a court order, and failure to prosecute. (Doc. No. 14.) Those
9 findings and recommendations were served on plaintiff and contained notice that any objections
10 thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) Plaintiff timely filed
11 objections to the pending findings and recommendations. (Doc. No. 15.)

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
13 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff’s
14 objections, the court finds the findings and recommendations to be supported by the record and
15 by proper analysis.

16 In his objections, plaintiff merely reiterates that he cannot afford to pay the court’s filing
17 fees and that his case is relevant and has merit. (Doc. No. 15.) Plaintiff also restates the same
18 objections that he had asserted to the magistrate judge findings and recommendations that he be
19 denied leave to proceed *in forma pauperis*, i.e., that his life is in danger due to this litigation and
20 that he cannot safely prosecute this action “because defendant cooperates with guards in prison.”
21 (*Id.*) However, the undersigned finds that plaintiff’s objections provide no basis upon which to
22 reject the pending findings and recommendations.

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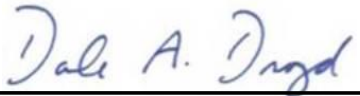
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Accordingly:

1. The findings and recommendations issued on February 18, 2020 (Doc. No. 14) are adopted in full;
2. This action is dismissed, without prejudice, due to plaintiff's failure to pay the required filing fee, failure to obey a court order, and failure to prosecute; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: April 14, 2020


UNITED STATES DISTRICT JUDGE