

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY C. BUCKLEY, Jr.,

No. 1:19-cv-00682-DAD-SKO

Plaintiff,

1

PARKS, et al.,

## Defendants.

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PLAINTIFF'S REQUEST TO PROCEED IN  
FORMA PAUPERIS

(Doc. Nos. 2, 10, 12)

Plaintiff Rodney C. Buckley, Jr., is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983 and is applying to proceed *in forma pauperis*. (Doc Nos. 2, 10.) 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 16, 2019, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion to proceed *in forma pauperis* be denied because plaintiff "had over one thousand dollars at his disposal within six months of the date he filed this action"<sup>1</sup> but instead prioritized "purchases from the canteen and other vendors over payment of the filing fee." (Doc. No. 12 at 3–4.) The findings and recommendations were served on plaintiff and

<sup>1</sup> The court notes that plaintiff's claims accrued in 2015 but he waited until May 14, 2019 to file this action. (Doc. No. 1.)

1 contained notice that objections thereto were due within twenty-one (21) days. (*Id.*) No  
2 objections have been filed and the time in which to do so has now passed.

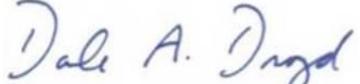
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
4 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings  
5 and recommendations to be supported by the record and by proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations filed on July 16, 2019 (Doc. No. 12) are adopted  
8 in full;
- 9 2. Plaintiff's applications to proceed *in forma pauperis*, (Doc. Nos. 2, 10), are denied;  
10 and
- 11 3. This action is dismissed without prejudice to refiling with prepayment of the filing fee;  
12 and
- 13 4. The Clerk of Court is directed to close this case.

14 IT IS SO ORDERED.

15 Dated: October 11, 2019

  
16 Dale A. Drayd  
UNITED STATES DISTRICT JUDGE

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