UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY C. BUCKLEY, Jr., Plaintiff, v. PARKS, et al., Defendants.	No. 1:19-cv-00682-DAD-SKO 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"[1] 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

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

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

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

Accordingly:

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

IT IS SO ORDERED.

Dated: **October 11, 2019**

UNITED STATES DISTRICT JUDGE