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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN ANDRES,
Plaintiff,
v.
CARMONA, et al.,
Defendant.

No. 1:19-cv-744-DAD-JLT

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

(Doc. Nos. 2, 5)

Plaintiff Kevin Andres is 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 June 6, 2019, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff’s motion to proceed *in forma pauperis* be denied because he “had more than sufficient funds at his disposal when he filed this action to pay the filing fee and failed to respond to the order to show cause why his application to proceed *in forma pauperis* should not be denied.” (Doc. No. 6 at 3.) The findings and recommendations were served on plaintiff and 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.

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

4 Accordingly:

- 5 1. The findings and recommendations filed on June 6, 2019 (Doc. No. 5) are adopted in
6 full;
- 7 2. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 8 3. This action is dismissed without prejudice to refiling upon prepayment of the filing
9 fee; and
- 10 4. The Clerk of Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: October 3, 2019

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15 UNITED STATES DISTRICT JUDGE

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25 ¹ The undersigned finds this to be a close case with respect to whether the pending application to
26 proceed *in forma pauperis* should be granted. Plaintiff's application reports that he earns \$1,100
27 per month, or \$13,200 per year, which places him just above the 2019 poverty guidelines of
28 \$12,490 annual income for a single person as recognized by the federal government. See
<https://aspe.hhs.gov/poverty-guidelines>. In adopting the findings and recommendations the
undersigned is persuaded primarily by the fact that plaintiff neither responded to the court's order
to show cause in this regard, nor filed objections to the findings and recommendations.