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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARVIN HARRIS,
Plaintiff,
v.
TORRS,
Defendant.

No. 1:19-cv-01171-DAD-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 3)

Plaintiff Marvin Harris is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff has not filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, nor has he paid the \$400.00 filing fee. 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 February 4, 2020, the assigned magistrate judge issued findings and recommendations recommending that the court not permit plaintiff to proceed in forma pauperis and that he be required to pay the filing fee in order to proceed with this action because: (1) he is subject to the three strikes bar under 28 U.S.C. § 1915(g); and (2) the allegations in plaintiff’s complaint do not satisfy the “imminent danger of serious physical injury” exception to § 1915(g). (Doc. No. 3 at 3–4.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4–5.) On

1 March 2, 2020, plaintiff filed objections to the pending findings and recommendations. (Doc. No.
2 4.)

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has
4 conducted a *de novo* review of the case. Having carefully reviewed the entire file, including
5 plaintiff's objections, the undersigned concludes that the findings and recommendations are
6 supported by the record and proper analysis.

7 In his objections to the pending findings and recommendations, plaintiff does not address
8 the prior cases he has filed which were cited by the magistrate judge as prior strike dismissals.
9 Plaintiff merely reiterates the arguments presented in his complaint—that defendant acted with
10 “deliberate indifference to a known or obvious danger”—but he does not assert any basis that
11 would support a finding that he faces “imminent danger of serious physical injury.” (Doc. No. 4
12 at 3.) Accordingly, plaintiff's objections provide no basis upon which to reject the pending
13 findings and recommendations.

14 Accordingly:

- 15 1. The findings and recommendations (Doc. No. 3) issued on February 4, 2020 are
16 adopted;
- 17 2. Within thirty days from the date of service of this order, plaintiff is required to pay
18 in full the \$400.00 filing fee for this action; and
- 19 3. Plaintiff's failure to pay the required filing fee as ordered will result in the
20 dismissal of this action without prejudice.

21 IT IS SO ORDERED.

22 Dated: April 1, 2020

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25 UNITED STATES DISTRICT JUDGE
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