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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE L. YOUNGBLOOD,

 Plaintiff,

 v.

ESQUERRA, *Correctional Officer at
Corcoran State Prison, et al.*,

 Defendants.

No. 1:19-cv-01179-DAD-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND ORDERING
PLAINTIFF TO PAY THE REQUIRED
FILING FEE IN ORDER TO PROCEED
WITH THIS ACTION

(Doc. Nos. 4, 5)

Plaintiff Jesse L. Youngblood 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 February 10, 2020, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff be ordered to pay the required filing fee in full. (Doc. No. 4.) The magistrate judge concluded that because plaintiff has accumulated at least three prior “strikes” under the Prison Litigation Reform Act (“PLRA”) and had nor alleged facts indicating that he was in imminent danger of serious physical injury at the time he filed his complaint, he is not eligible

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1 to proceed *in forma pauperis*.¹ (*Id.* at 1–3.) The findings and recommendations were served on
2 plaintiff and contained notice that any objections thereto were to be filed within fourteen (14)
3 days of service. (*Id.*) On February 24, 2020, plaintiff filed both a motion for an extension of time
4 to file objections and his objections to the pending findings and recommendations. (Doc. Nos. 5,
5 6.)

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the
7 court has conducted a *de novo* review of the case. Having carefully reviewed the entire file,
8 including plaintiff’s objections, the court concludes that the findings and recommendations are
9 supported by the record and proper analysis.

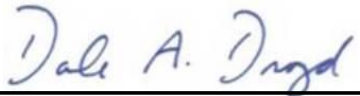
10 In his objections, plaintiff simply restates his belief that he is entitled to proceed *in forma*
11 *pauperis* in this action but fails to present any facts or analysis that meaningfully respond to the
12 magistrate judge’s reasoned analysis regarding his ineligibility to proceed in this action *in forma*
13 *pauperis* under 28 U.S.C. § 1915(g).

14 Accordingly:

- 15 1. Plaintiff’s motion for an extension of time to file objections (Doc. No. 5) is granted
16 and his objections (Doc. No. 6) are, accordingly, deemed timely;
- 17 2. The findings and recommendations issued on February 10, 2020 (Doc. No. 4) are
18 adopted in full; and
- 19 3. Plaintiff is ordered to pay the required \$400.00 filing fee within thirty (30) days of
20 service of this order. Any failure to do so will result in the dismissal of this case
21 without prejudice to its refiling upon payment of the filing fee.

22 IT IS SO ORDERED.

23 Dated: April 27, 2020

24 
UNITED STATES DISTRICT JUDGE

25
26 ¹ The court notes that plaintiff did not submit an application to proceed *in forma pauperis* but
27 nonetheless appeared to allege in his complaint that he was in imminent danger of harm. (Doc.
28 No. 1 at 9.) Accordingly, the magistrate judge considered and rejected plaintiff’s eligibility to
proceed under 28 U.S.C. § 1915(g)’s “imminent danger of serious physical injury” exception
based upon the allegations of his complaint. (Doc. No. 4 at 3.)