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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARVIN HARRIS,
Plaintiff,
v.
MADDEN, et al.,
Defendants.

No. 1:19-cv-01216-DAD-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTIONS TO PROCEED *IN
FORMA PAUPERIS*

(Doc. No. 11)

Plaintiff Marvin Harris is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. section 636(b)(1)(B) and Local Rule 302.

On October 21, 2019, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff’s motions to proceed *in forma pauperis* (Doc. Nos. 8, 9, 10) be denied and that he be required to pay the \$400.00 filing fee in full 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. 11.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within

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1 fourteen (14) days after service. (*Id.* at 3.) On October 3, 2019, plaintiff filed objections. (Doc.
2 No. 12.)

3 In accordance with the provisions of 28 U.S.C. section 636(b)(1)(C), this court has
4 conducted a *de novo* review of this case. Having carefully reviewed the entire file, including
5 plaintiff's objections, the court finds the findings and recommendations to be supported by the
6 record and proper analysis. Plaintiff's objections fail to address the magistrate judge's conclusion
7 that he is subject to the three strikes bar under 28 U.S.C. § 1915(g) since he has filed at least three
8 prior actions that have been dismissed for failure to state a claim or as frivolous. (*See* Doc. No.
9 11 at 2.) The court finds no legal basis upon which to question the magistrate judge's findings
10 and recommendations in that regard. In his objections, plaintiff argues that he qualifies for the
11 "imminent danger of serious physical injury" exception to dismissal under § 1915(g) because
12 defendants "subjected him to an unlawful search of cell and taking of property," but he does not
13 dispute the magistrate judge's finding that these allegations are insufficient to trigger that
14 exception. (*See id.*)

15 Accordingly,

- 16 1. The findings and recommendations issued on October 21, 2019 (Doc. No. 11) are
17 adopted in full;
- 18 2. Plaintiff's motions to proceed *in forma pauperis* (Doc. Nos. 8, 9, 10) are denied;
19 and
- 20 3. Within fourteen (14) days following service of this order, plaintiff shall pay the
21 \$400.00 filing fee in full to proceed with this action. If plaintiff fails to pay the
22 filing fee within the specified time, this action will be dismissed.

23 IT IS SO ORDERED.

24 Dated: December 18, 2019

25 
UNITED STATES DISTRICT JUDGE