

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAUL GARZA,
Plaintiff,
v.
CATES, *et al.*,
Defendants.

Case No. 1:19-cv-01274-LJO-BAM (PC)
**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DENIAL OF PLAINTIFF’S MOTION TO
PROCEED *IN FORMA PAUPERIS***
(ECF Nos. 2, 8)
TWENTY-ONE (21) DAY DEADLINE

Plaintiff Raul Garza (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on September 12, 2019.

On September 17, 2019, the assigned Magistrate Judge issued findings and recommendations that Plaintiff’s application to proceed *in forma pauperis* be denied pursuant to 28 U.S.C. § 1915(g) and that Plaintiff be required to pay the \$400.00 filing fee in full to proceed with this action. (ECF No. 8.) 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 2–3.) No objections have been filed, and the deadline to do so has expired.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge’s findings and recommendations are supported by the record and proper analysis.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, (ECF No. 8), issued on September 17, 2019, are adopted in full;
2. In accordance with 28 U.S.C. § 1915(g), Plaintiff's application to proceed *in forma pauperis* (ECF No. 2) is denied; and
3. Within **twenty-one (21) days** following the date of service of this order, Plaintiff shall pay the \$400.00 filing fee in full to proceed with this action. If Plaintiff fails to pay the filing fee within the specified time, this action will be dismissed without further notice.

IT IS SO ORDERED.

Dated: October 15, 2019

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE