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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JUAN MONTENEGRO,  
Plaintiff,  
vs.  
CDCR-MEDICAL,  
Defendant.

1:19-cv-01440-AWI-GSA-PC  
FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT PLAINTIFF’S  
MOTION TO PROCEED IN IN FORMA  
PAUPERIS BE DENIED  
(ECF No. 2.)  
OBJECTIONS, IF ANY, DUE IN  
FOURTEEN (14) DAYS

**I. FINDINGS**

Juan Montenegro (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. §1983. Plaintiff filed the Complaint commencing this action on October 15, 2019, together with a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.)

In his motion to proceed *in forma pauperis*, Plaintiff claims that during the past year he received money from several sources and owns property valued at \$40 million.. (ECF No. 2.) Therefore, it appears from a review of the motion that Plaintiff can afford the costs of this action. Plaintiff’s motion to proceed *in forma pauperis* should be denied, and Plaintiff should be required to pay the statutory filing fee of \$400.00 for this action in full.

1 **II. RECOMMENDATIONS AND CONCLUSION**

2 Based on the foregoing, IT IS HEREBY RECOMMENDED that:

- 3 1. Plaintiff's motion to proceed *in forma pauperis*, filed on October 15, 2019, be  
4 DENIED; and  
5 2. Plaintiff be required to pay the \$400.00 filing fee for this action in full.

6 These findings and recommendations are submitted to the United States District Judge  
7 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**  
8 **(14) days** after the date of service of these findings and recommendations, Plaintiff may file  
9 written objections with the court. Such a document should be captioned "Objections to  
10 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file  
11 objections within the specified time may waive the right to appeal the District Court's order.  
12 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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14 IT IS SO ORDERED.

15 Dated: October 23, 2019

/s/ Gary S. Austin  
16 UNITED STATES MAGISTRATE JUDGE  
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