

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  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA BLAND,  
Plaintiff,  
  
v.  
J. PEDERSEN, et al.,  
Defendants.

No. 1:20-cv-00793-DAD-SKO (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, REVOKING IN  
FORMA PAUPERIS STATUS, AND  
DIRECTING PAYMENT OF FILING FEE

(Doc. Nos. 4, 8)

Plaintiff Joshua Bland is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 10, 2020, the assigned magistrate judge issued an order granting plaintiff’s application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, and directing the California Department of Corrections and Rehabilitation (“CDCR”) to collect the required filing fee payments from plaintiff’s inmate trust account and forward them to the Clerk of the Court. (Doc. No. 4.)

On August 6, 2020, the magistrate judge issued findings and recommendations recommending that plaintiff’s in forma pauperis be revoked and that plaintiff be required to pay the \$400.00 filing fee in full to proceed with this action because (1) he is subject to the three

1 strikes bar under 28 U.S.C. § 1915(g) and (2) the allegations in his complaint to do not satisfy the  
2 “imminent danger of serious physical injury” exception to § 1915(g). (Doc. No. 8.)

3 On August 17, 2020, plaintiff filed objections to the pending findings and  
4 recommendations. (Doc. No. 10.) In his objections, plaintiff does not dispute that the three  
5 dismissals cited by the magistrate judge are strike dismissals under § 1915(g), nor does he  
6 contend that the allegations in his complaint trigger the imminent danger exception. Rather, he  
7 contends that various federal and state rules and statutes, including the Prison Litigation Reform  
8 Act, infringe upon his constitutional rights. (See *id.*)


9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
10 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff’s  
11 objections, the court finds the findings and recommendations to be supported by the record and  
12 proper analysis. Plaintiff’s objections are frivolous.

13 Accordingly,

- 14 1. The findings and recommendations issued on August 6, 2020 (Doc. No. 8) are  
15 adopted in full;
- 16 2. Plaintiff’s *in forma pauperis* status is revoked;
- 17 3. The order directing CDCR to collect filing fee payments from plaintiff’s inmate  
18 trust account issued on June 10, 2020 (Doc. No. 4) is vacated;
- 19 4. Within thirty (30) days from the date of service of this order, plaintiff shall pay the  
20 required filing fee of \$400.00 in full to proceed with this action;
- 21 5. Failure to pay the filing fee within the allotted time will result in dismissal of this  
22 action; and,
- 23 6. The Clerk of the Court is directed to serve a copy of this order on CDCR and on  
24 the Financial Department of the U.S. District Court for the Eastern District of  
25 California.

26 IT IS SO ORDERED.

27 Dated: September 14, 2020

28   
UNITED STATES DISTRICT JUDGE