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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,
Plaintiff,
v.
C. PFEIFER, et al.,
Defendants.

No. 1:20-cv-01492-DAD-EPG (PC)

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

(Doc. Nos. 2, 3)

Plaintiff Guillermo Trujillo Cruz 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 October 22, 2020, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff not be allowed to proceed *in forma pauperis* and instead be directed to pay the required filing fee in full if he wishes 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 his complaint do not satisfy the “imminent danger of serious physical injury” exception to § 1915(g). (Doc. No. 2.) Those findings and recommendations were served on

1 plaintiff and contained notice that any objections thereto were to be filed within thirty (30) days
2 from the date of service. (*Id.*) On November 12, 2020, plaintiff timely filed objections. (Doc.
3 No. 4.) Plaintiff also filed a motion to proceed *in forma pauperis* concurrently with his
4 objections. (Doc. No. 3.)

5 Plaintiff's objections appear to outline his contention that he has been in imminent danger
6 since December 2013. (Doc. No. 4 at 3.) However, the findings and recommendations concluded
7 that plaintiff was not in imminent danger because he filed this action over 15 months after the
8 events alleged in his complaint occurred. (Doc. No. 2 at 2.) Plaintiff's objections fail to address
9 that conclusion or to otherwise explain how he was in imminent danger at the time he filed his
10 complaint in this action.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
12 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's
13 objections (Doc. No. 4), the court finds the findings and recommendations to be supported by the
14 record and by proper analysis.

15 Accordingly,

- 16 1. The findings and recommendations issued on October 22, 2020 (Doc. No. 2) are
17 adopted in full;
- 18 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 3) is denied;
- 19 3. Within thirty (30) days from the date of service of this order, plaintiff is required
20 to pay in full the \$405.00 filing fee for this action;
- 21 4. Plaintiff's failure to pay the required filing fee as ordered will result in the
22 dismissal of this action without prejudice; and
- 23 5. This case is referred back to the assigned magistrate judge for further proceedings.

24 IT IS SO ORDERED.

25 Dated: December 9, 2020

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UNITED STATES DISTRICT JUDGE

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