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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD JOSE DUPREE, JR.,
Plaintiff,
v.
E. MORENO, et al.,
Defendants.

No. 1:21-cv-00100-DAD-SAB (PC)

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

(Doc. Nos. 2, 7)

Plaintiff Richard Jose Dupree, Jr. 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 January 25, 2021, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s application to proceed *in forma pauperis* (Doc. No. 2) be denied and that he be required to pay the \$402.00 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 of his complaint do not satisfy the “imminent danger of serious physical injury” exception to § 1915(g). (Doc. No. 7 at 2–3.) The findings and recommendations were served on plaintiff and contained notice that objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) The deadline to do so has since passed, and no objections have been filed.

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

5 Accordingly,

- 6 1. The findings and recommendations issued on January 25, 2021 (Doc. No. 7) are
7 adopted in full;
- 8 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 9 3. Within twenty-one (21) days from the date of service of this order, plaintiff shall
10 pay the \$402.00 filing fee in full in order to proceed with this action;
- 11 4. Plaintiff is forewarned that failure to pay the filing fee within the specified time
12 will result in the dismissal of this action; and
- 13 5. This matter is referred back to the assigned magistrate judge for further
14 proceedings consistent with this order.

15 IT IS SO ORDERED.

16 Dated: February 23, 2021

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19 UNITED STATES DISTRICT JUDGE
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