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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 SAMMY R. QUAIR, SR.,

12 Plaintiff,

13 v.

14 THOMAS, et al.,

15 Defendants.
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No. 1:21-cv-01397-NONE-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN PART, DENYING
MOTION TO PROCEED IN FORMA
PAUPERIS, AND REQUIRING PLAINTIFF TO
PAY FILING FEE

(Doc. Nos. 2 & 8)

Twenty-One Day Deadline

19 Plaintiff Sammy R. Quair is a state prisoner proceeding *pro se* in this civil rights action
20 brought under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge
21 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On October 13, 2021, the assigned magistrate judge issued findings and
23 recommendations, recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. No.
24 2) be denied because plaintiff has accrued three "strike" dismissals under 28 U.S.C. § 1915(g)
25 and fails to show that he is under imminent danger of serious physical injury. (Doc. No. 8.) The
26 findings and recommendations were served on plaintiff and provided him 14 days to file
27 objections thereto. *Id.* at 3. Plaintiff has not filed any objections, and the time to do so has
28 passed.

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 this case. Having carefully reviewed the entire file, the court finds the findings
3 and recommendations to be supported by the record and proper analysis insofar as the magistrate
4 judge has recommended denial of plaintiff's *in forma pauperis* application. However, in an
5 abundance of caution, the court will permit plaintiff an opportunity to pay the filing fee before
6 ordering dismissal.

7 Accordingly,

- 8 1. The findings and recommendations issued on October 13, 2021 (Doc. No. 8) are
9 adopted in part;
- 10 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 11 3. Within **twenty-one (21) days** following the date of service of this order, plaintiff shall
12 pay the \$402.00 filing fee in full to proceed with this action. If plaintiff fails to pay
13 the filing fee within the specified time, this action will be dismissed without further
14 notice.

15 IT IS SO ORDERED.

16 Dated: **November 22, 2021**

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19 UNITED STATES DISTRICT JUDGE
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