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3 **UNITED STATES DISTRICT COURT**
4 **EASTERN DISTRICT OF CALIFORNIA**
5

6 **SAMMY R. QUAIR,**

7 **Plaintiff,**

8 **v.**

9 **COLLIER, et al.,**

10 **Defendants.**

CASE NO. 1:21-cv-01533-AWI-JLT (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
MOTION TO PROCEED IN FORMA
PAUPERIS, AND DISMISSING ACITON
WITHOUT PREJUDICE**

(Doc. Nos. 2 & 3)

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13 Plaintiff Sammy R. Quair is a state prisoner proceeding pro se in this civil rights action
14 under 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to
15 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

16 On October 22, 2021, the assigned magistrate judge issued findings and recommendations,
17 recommending that Plaintiff’s motion to proceed in forma pauperis (Doc. No. 2) be denied
18 because Plaintiff has accrued three “strike” dismissals under 28 U.S.C. § 1915(g) and fails to show
19 that he is in imminent danger of serious physical injury. Doc. No. 3. The magistrate judge
20 provided Plaintiff fourteen days to file objections to the findings and recommendations. *Id.* at 2.
21 Plaintiff has not filed any objections, and the time to do so has passed.

22 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
23 de novo review of this case. Having carefully reviewed the entire file, the Court concludes that
24 the findings and recommendations are supported by the record and proper analysis.

25
26 **ORDER**

27 Accordingly, IT IS HEREBY ORDERED that:

- 28 1. The findings and recommendations (Doc. No. 3) issued on October 22, 2021, are


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ADOPTED in full;

2. Plaintiff's motion to proceed in forma pauperis (Doc. No. 2) is DENIED;
3. This action is DISMISSED without prejudice to refile upon prepayment of the filing fee; and
4. The Clerk of the Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: November 28, 2021



SENIOR DISTRICT JUDGE