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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARVIN HARRIS,
Plaintiff,
v.
THERESA C., et al.,
Defendants.

Case No. 1:21-cv-01684-AWI-SKO (PC)

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

(Doc. 6)

Plaintiff Marvin Harris, a state prisoner, proceeding *pro se* 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 December 15, 2021, the assigned magistrate judge filed findings and recommendations, recommending that Plaintiff’s motion to proceed *in forma pauperis* be denied, and that this action be dismissed without prejudice because Plaintiff has accrued more than three “strike” dismissals under 28 U.S.C. § 1915(g), and the allegations in his complaint fail to show that he is under imminent danger of serious physical injury. (Doc. No. 6.) The magistrate judge provided Plaintiff 14 days to file objections to the findings and recommendations. (*Id.* at 3.) Plaintiff did not file any objections, and the time to do so has passed.

1 The Court notes Plaintiff filed a Notice of Appeal on January 5, 2022 (Doc. No. 9);
2 however, the Ninth Circuit Court of Appeals dismissed the appeal (Case No. 22-15086) for a lack
3 of jurisdiction on March 16, 2022. (*See* Doc. No. 12.)

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
5 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the
6 findings and recommendations to be supported by the record and proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8
- 9 1. The findings and recommendations issued on December 15, 2021 (Doc. No. 6) are
10 ADOPTED in full;
 - 11 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 3) is DENIED;
 - 12 3. This action is DISMISSED without prejudice to refile upon prepayment of the filing
13 fee; and,
 - 14 4. The Clerk of the Court is directed to terminate all pending motions and to close this
15 case.

16 IT IS SO ORDERED.

17 Dated: June 10, 2022

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20 SENIOR DISTRICT JUDGE