

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LYRALISA LAVENA STEVENS,
Plaintiff,
v.
ROBINSON,
Defendant.

No. 1:22-cv-00742-ADA-EPG (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF Nos. 9, 10, 12)

Plaintiff Lyralisa Lavena Stevens is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 9, 2022, District Judge Dale A. Drozd issued an order adopting findings and recommendations recommending that Plaintiff may not proceed *in forma pauperis* in this action and instead be directed to pay the required filing fee in full because: (1) she is subject to the three strikes bar under 28 U.S.C. § 1915(g); and (2) the allegations in her complaint do not satisfy the “imminent danger of serious physical injury” exception to § 1915(g). (ECF No. 7.) The Court ordered Plaintiff to pay the filing fee within thirty (30) days, warning that failure to do so would result in the dismissal of this action without prejudice. (*Id.*) To date, Plaintiff has not paid the filing fee, and the time to do so has expired.

On October 26, 2022, the assigned Magistrate Judge issued findings and recommendations recommending that this case be dismissed for failure to comply with a court order. (ECF No. 9.)

1 Plaintiff filed timely objections to the findings and recommendations on November 11, 2022.
2 (ECF No. 11). Plaintiff's objections are nonresponsive to the issue at hand, namely, that Plaintiff
3 failed to comply with District Judge Drozd's order to pay the filing fee. (*Id.*)

4 Plaintiff subsequently filed two renewed motions to proceed *in forma pauperis*. (ECF
5 Nos. 10, 12). For the reasons stated in the Court's previous order directing Plaintiff to pay the
6 filing fee, Plaintiff's renewed motions are denied.


7 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a *de*
8 *novo* review of the case. Having carefully reviewed the entire file, including Plaintiff's
9 objections, the Court concludes that the Magistrate Judge's findings and recommendations are
10 supported by the record and proper analysis.

11 Accordingly, IT IS SO ORDERED:

- 12 1. The findings and recommendations issued on October 26, 2022 (ECF No. 9), are
13 adopted in full;
- 14 2. Plaintiff's renewed motions to proceed *in forma pauperis* (ECF Nos. 10, 12), are
15 denied;
- 16 3. This action is dismissed, without prejudice, based on Plaintiff's failure to comply
17 with a court order; and
- 18 4. The Clerk of Court is directed to close this case.

19
20
21 IT IS SO ORDERED.

22 Dated: June 1, 2023



UNITED STATES DISTRICT JUDGE