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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAURA LESKINEN,

Plaintiff,

No. 2:10-cv-03363 MCE KJN PS

v.

CAROLYN A. HALSEY, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

Through these proposed findings and recommendations, the undersigned recommends that plaintiff's in forma pauperis status be revoked. However, such revocation should be without prejudice.

On March 7, 2011, the undersigned entered an order granting plaintiff's application for leave to proceed in forma pauperis and dismissing plaintiff's complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2). (Order, Mar. 7, 2011, Dkt. No. 4.) That order granted plaintiff 30 days from the date of that order to file a first amended complaint. (Id. at 11.)

On March 21, 2011, plaintiff filed a motion for a 30-day extension of time within which plaintiff would be required to file her first amended complaint. (Dkt. No. 6.) The undersigned granted plaintiff's request. (Order, Mar. 29, 2011, Dkt. No. 8.)

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1 On May 6, 2011, plaintiff filed a First Amended Complaint and voluntarily paid
2 the \$350.00 filing fee associated with opening a case.¹ (First Am. Compl., Dkt. No. 9.) As a
3 result of plaintiff's voluntary payment of the filing fee upon filing her First Amended Complaint,
4 it appears that plaintiff was able to pay the filing fee and is no longer entitled to proceed in forma
5 pauperis in this action.

6 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's in forma
7 pauperis status be revoked without prejudice.

8 These findings and recommendations are submitted to the United States District
9 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
10 days after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Id.; see also E. Dist. Local Rule 304(b).
12 Such a document should be captioned "Objections to Magistrate Judge's Findings and
13 Recommendations." Any response to the objections shall be filed with the court and served on
14 all parties within fourteen days after service of the objections. E. Dist. Local Rule 304(d).
15 Failure to file objections within the specified time may waive the right to appeal the District
16 Court's order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d
17 1153, 1156-57 (9th Cir. 1991).

18 IT IS SO RECOMMENDED.

19 DATED: May 13, 2011

20
21 
22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE
24

25 _____
26 ¹ As a result, the Clerk of Court issued a summons in this case. (Summons In A Civil
Case, Dkt. No. 10.)