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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICKY GRAY,

 Plaintiff,

 v.

JAMES TILTON, et al.,

 Defendants.

No. 2:11-cv-2103-KJM-EFB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 16, 2013, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

Plaintiff has, however, filed a request to rescind the filing fee payment order directed to the California Department of Corrections. As plaintiff’s in forma pauperis status will be revoked by this order, that inmate trust account collection order will be vacated. Plaintiff also requests dismissal of the case, as recommended, so that he can refile with prepayment of the filing fee. More recently, plaintiff has filed a “motion for authorization re vexatious litigant.” In light of the

1 court's order below, that motion is disregarded but may be refiled at the time plaintiff refiles his
2 action, if he wishes the court assigned to that action to consider it.

3 Given that no objections have been filed, the court presumes that any findings of fact are
4 correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's
5 conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d
6 452, 454 (9th Cir. 1983). Having carefully reviewed the file, the court finds the findings and
7 recommendations to be supported by the record and by the proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations filed October 16, 2013, are adopted in full;
- 10 2. Defendants' motion to revoke plaintiff's in forma pauperis status and to dismiss this
11 action (ECF No. 20) is granted;
- 12 3. The order directing the payment of the filing fee by deductions from plaintiff's inmate
13 trust account, ECF No. 10, is vacated, and the Clerk shall terminate ECF No. 48;
- 14 4. The California Department of Corrections and Rehabilitation (CDCR) and the Clerk of
15 the Court shall abandon efforts to collect the filing fee in this case;¹
- 16 5. The Clerk is directed to serve a copy of this order on the Director of CDCR and deliver
17 a copy of this order to the Clerk's financial division; and
- 18 6. The Clerk is directed to close this case.

19 Dated: January 6, 2014.

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22 _____
23 UNITED STATES DISTRICT JUDGE
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27 _____
28 ¹ A review of the court's financial records reveals that no funds have yet been collected from
plaintiff's inmate trust account to satisfy the filing fee in this action.