1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ROBERT BENYAMINI, No. 2:13-cv-0910 TLN AC P (TEMP) 12 Plaintiff, 13 v. ORDER 14 S. VANCE, et al., 15 Defendants. 16 17 Plaintiff, a former state prisoner proceeding pro se and in forma pauperis, has filed this 18 civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United 19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On March 31, 2016, the magistrate judge filed findings and recommendations herein, 21 which were served on all parties and which contained notice to all parties that any objections to 22 the findings and recommendations were to be filed within thirty days. (ECF No. 28.) Plaintiff 23 has filed objections to the findings and recommendations. (ECF No. 35.) 24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 25 Court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the 26 Court finds the findings and recommendations to be supported by the record and by proper 27 analysis. 28 ///// 1

## Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed March 31, 2016, are adopted in full; 2. Defendants' July 27, 2015, motion for an order declaring plaintiff a vexatious litigant and requiring security (ECF No. 20) is granted; 3. Plaintiff is declared a vexatious litigant under the provisions of Title 3A, part 2, of the California Code of Civil Procedure, adopted by this Court pursuant to Local Rule 151(b); and 4. Plaintiff is required to furnish security in the amount of \$11,900 before proceeding with this action. Dated: August 2, 2016 Troy L. Nunley United States District Judge