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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE WILLIAMS,  
  
  Plaintiff,  
  
  v.  
  
MATILDA PASSINI, et al.,  
  
  Defendants.

No. 2:17-cv-1362 KJM CKD P

ORDER

Williams, a state prisoner proceeding pro se, 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 March 19, 2018, the magistrate judge filed findings and recommendations (“Findings”), which were served on Williams, containing notice that any objections must be filed within fourteen days. Findings, ECF No. 8. The Findings recommend dismissing Williams’ civil rights complaint filed July 7, 2017, for not paying a \$400 filing fee within the mandated 14-day period; Williams must pay because he was stripped of his *in forma pauperis* (“IFP”) status for having three or more prior actions dismissed as “frivolous, malicious, or fails to state a claim.” 28 U.S.C. § 1915(g) (1996); Findings at 1. On March 30, 2018, Williams timely filed objections. ECF No. 9. Williams argues that because he was, and is currently, “under imminent danger at the

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1 time of complaint[] filing, he qualifies for an exception that grants IFP status if a prisoner is under  
2 “imminent danger of serious physical injury.” *Id.* at 1.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304,  
4 this court has conducted a *de novo* review of this case. *See Britt v. Simi Valley Unified Sch. Dist.*,  
5 708 F.2d 452, 454 (9th Cir. 1983). The court presumes findings of fact are correct. *See Orand v.*  
6 *United States*, 602 F.2d 207, 208 (9th Cir. 1979). Having reviewed the file, the court finds  
7 Williams’ objections, while unverified, raise new information that may change the magistrate  
8 judge’s recommendation because he appears to provide facts plausibly supporting § 1915(g)’s  
9 “imminent danger exception.” *Andrews v. Cervantes*, 493 F.3d 1047, 1052 (9th Cir. 2007); *see*,  
10 *e.g.*, Objections at 1, 3, 5–6, 8–9, 11–12 (alleging assault and threats of injury by a correctional  
11 officer and inmates). While noting that the objections were not before the magistrate judge, the  
12 court DECLINES to adopt the findings and recommendations and instead REFERS the matter  
13 back to the magistrate judge for further proceedings to develop the record as necessary for  
14 consideration of whether the information contained in plaintiff’s objections support the  
15 “imminent danger” exception.

16 IT IS SO ORDERED.

17 This resolves ECF No. 8.

18 DATED: August 20, 2018.

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UNITED STATES DISTRICT JUDGE