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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEENAN W. WILKINS,  
Plaintiff,  
v.  
DAVID BAUGHMAN, et al.,  
Defendant.

No. 2: 17-cv-1368-TLN-KJN

**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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 20, 2018, the magistrate judge filed findings and recommendations recommending that Plaintiff’s motion to stay this action be denied. Plaintiff has filed objections to the findings and recommendations. For the reasons stated herein, the June 20, 2018 findings and recommendations are adopted.

On February 22, 2018, the magistrate judge recommended that Plaintiff’s motion to proceed in forma pauperis be revoked pursuant to 28 U.S.C. § 1915(g). (ECF No. 11.) The magistrate judge also recommended that Plaintiff be ordered to pay the filing fee of \$400. (ECF No. 11.) In the February 22, 2018 findings and recommendations, the magistrate judge found that in *Wilkins v. Gonzales*, 2: 16-cv-347 KJM KJN P, the Honorable Kimberly J. Mueller found that

1 Plaintiff had three prior strikes pursuant to 28 U.S.C. § 1915(g). (ECF No. 11.)

2 In the pending motion to stay, Plaintiff requested that the Court stay this action pending an  
3 appeal that would resolve the “ifp issue.” (ECF No. 13 at 2.) Plaintiff cited appeal no. 17-16274.  
4 (ECF No. 13 at 2.) In the June 20, 2018 findings and recommendations, the magistrate judge  
5 correctly found that appeal no. 17-16274 was no longer relevant to Plaintiff’s status pursuant to  
6 28 U.S.C. § 1915(g). (ECF No. 13 at 2.)

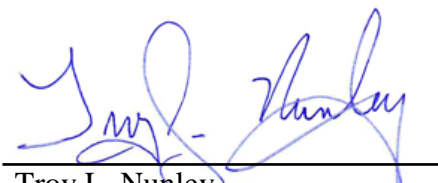
7 In his objections to the June 20, 2018 findings and recommendations, Plaintiff now claims  
8 that his appeal of Judge Mueller’s order in case number 16-cv-347, revoking his in forma  
9 pauperis status pursuant to 28 U.S.C. § 1915(g), is pending. (ECF No. 14.) Plaintiff requests that  
10 this action be stayed pending this appeal. (ECF No. 14.) Plaintiff has not shown good cause to  
11 stay this action pending the appeal of Judge Mueller’s order.

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
13 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the  
14 Court finds the findings and recommendations to be supported by the record and by proper  
15 analysis.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The findings and recommendations filed June 20, 2018 are ADOPTED in full;  
18 2. Plaintiff’s motion to stay (ECF No. 12) is DENIED; Plaintiff is granted fourteen (14)  
19 days from the date of this Order to file objections to the February 22, 2018 findings and  
20 recommendations.

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22 Dated: August 28, 2018

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26 Troy L. Nunley  
27 United States District Judge  
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