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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY FRANCIS FISHER,  
Plaintiff,  
v.  
DIRECTOR OF OPERATIONS, CDCR,  
Defendant.

No. 2:18-cv-2902 WBS AC 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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 5, 2018, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 12. Although the magistrate judge stated that plaintiff had not yet submitted an application to proceed in forma pauperis, it appears that such an application was filed on October 24, 2018. Nevertheless, as the magistrate judge observed, such an application could not be granted because plaintiff has accrued three strikes under 28 U.S.C. § 1915(g), and he has not shown that he is under imminent danger of serious physical injury. Plaintiff has not filed objections to the findings and recommendations and has not yet paid the required filing fee.

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The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 5, 2018 (ECF No. 12), are adopted in full; and
2. Plaintiff's motion to proceed in forma pauperis (ECF No. 11) is denied and plaintiff is ordered to pay the entire \$400.00 in required fees within thirty days of this order or face dismissal of the case.

Dated: December 18, 2018

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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE