

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RODNEY KARL BLACKWELL,  
Plaintiff,  
v.  
A. JENKINS,  
Defendant.

No. 2:19-cv-00442-TLN-DB

**ORDER**

Plaintiff Rodney Karl Blackwell (“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 March 4, 2021, the magistrate judge filed findings and recommendations herein 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 thirty days. (ECF No. 51.) Plaintiff has filed objections to the findings and recommendations. (ECF No. 52.)

In his objections, Plaintiff states he previously paid \$350.00 as a filing fee. (ECF No. 52 at 1.) Records indicate that Plaintiff did pay \$350.00 on January 8, 2021. (*See* docket, No. 2:18-cv-00442-TLN-DB.) Plaintiff was ordered to pay a \$350.00 filing fee when Plaintiff’s *in forma pauperis* status was granted on November 6, 2019. (ECF No. 19.) As Plaintiff was proceeding *in forma pauperis*, the Court waived the administrative fee. As Plaintiff is no longer proceeding *in*

1 *forma pauperis*, he is required to pay both the \$350.00 filing fee and the \$50.00 administrative  
2 fee. *See* 28 U.S.C. § 1914. This means Plaintiff must pay a total fee of \$400.00 in order to  
3 proceed on this action. As Plaintiff has already paid \$350.00, the outstanding balance is the  
4 administrative fee of \$50.00.

5 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602  
6 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*.  
7 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

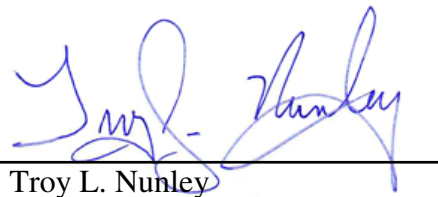
8 The Court has reviewed the file and finds the findings and recommendations to be  
9 supported by the record and by the magistrate judge's analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Findings and Recommendations filed March 4, 2021 (ECF No. 51), are  
12 ADOPTED IN FULL;
- 13 2. Defendant A. Jenkins' ("Defendant") Motion to Revoke Plaintiff's *In Forma Pauperis*  
14 Status (ECF No. 42) is GRANTED; and
- 15 3. This action will be DISMISSED without prejudice unless Plaintiff pays the outstanding  
16 balance of the fee for this action (\$50.00) within thirty days of this Order.

17 IT IS SO ORDERED.

18 DATED: April 13, 2021

19  
20  
21   
22 Troy L. Nunley  
United States District Judge