

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,

 Plaintiff,

 v.

E. COTA, et al.,

 Defendants.

No. 2:19-cv-01423-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND REVOKING
PLAINTIFF’S *IN FORMA PAUPERIS*
STATUS

(Doc. No. 57)

Plaintiff Allen Hammler is a state prisoner proceeding *pro se* in this civil rights action pursuant to 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 August 5, 2022, the assigned magistrate judge issued findings and recommendations, recommending that defendants’ motion to revoke plaintiff’s *in forma pauperis* status (Doc. No. 50) be granted because plaintiff has suffered dismissal of at least three previous lawsuits he has filed that qualify as strikes under the Prisoner Litigation Reform Act and the imminent danger exception does not apply here. (Doc. No. 57.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days of service. (*Id.* at 3.) No objections have been filed and the time to do so has since passed.

////

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
3 and recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on August 5, 2022 (Doc. No. 57) are
6 adopted in full;
- 7 2. Defendants' motion to revoke plaintiff's *in forma pauperis* status (Doc. No. 50) is
8 granted;
- 9 3. Plaintiff is required to pay the \$402 filing fee in full within twenty-one (21) days
10 service of this order; and
- 11 4. The plaintiff is warned that failure to pay the \$402 filing fee in full within 21 days
12 of this order will result in the termination of all pending motions and dismissal
13 without prejudice of this action.

14 IT IS SO ORDERED.

15 Dated: September 2, 2022

16 
17 _____
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28