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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT TREVINO,  
Plaintiff,  
v.  
G. BURKE, *et al.*,  
Defendants.

No. 2:21-cv-01415-DJC-JDP (PC)

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 April 25, 2023, 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 fourteen days. The Court observes that this procedure is sufficient to constitute notice to the Plaintiff of the potential disqualification under 28 U.S.C. 1915(g) as required by *Andrews v. King*, 398 F.3d 1113, 1120. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed

1 the entire file, the Court finds the findings and recommendations to be supported by  
2 the record and by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed April 25, 2023, are adopted in full;  
5 and

6 2. Defendants' motion to revoke in forma pauperis status, ECF No. 29, is  
7 granted, and that plaintiff is directed to tender the administrative fee of \$52 within  
8 twenty-one days of this order.<sup>1</sup>

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11 IT IS SO ORDERED.

12 Dated: May 11, 2023

  
13 Hon. Daniel J. Calabretta  
14 UNITED STATES DISTRICT JUDGE

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27 <sup>1</sup> The fee for filing a civil rights action is \$402, which includes the \$350 filing fee  
28 and the \$52 administrative fee. See 28 U.S.C. § 1914(b). The \$52 administrative fee  
does not apply to persons granted in forma pauperis status under 28 U.S.C. § 1915.  
Plaintiff paid the \$350 filing fee on April 5, 2023. However, since his in forma pauperis  
status has been revoked, he must pay the \$52 administrative fee. See *id.* § 1914(b).