

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

FRANCISCO JAVIER VARGAS, JR.,

Plaintiff,

v.

JOSIE GONZALES, et al.,

Defendants.

No. 2:21-cv-01839-TLN-AC

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 20, 2022, the magistrate judge filed an order and 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. 9.) Plaintiff has filed objections to the order denying counsel and the findings and recommendations. (ECF No. 10.)

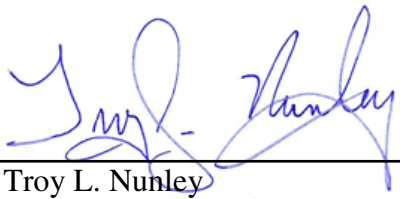
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis. With respect to the order on Plaintiff's motion for appointment of counsel, Federal Rule

1 of Civil Procedure 72(a) permits a party to object to non-dispositive orders issued by magistrate
2 judges and requires that the district judge “modify or set aside any part of the order that is clearly
3 erroneous or is contrary to law.” The April 20, 2022 order of the Magistrate Judge is not clearly
4 erroneous or contrary to law and the objections will be overruled.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations filed April 20, 2022 (ECF No. 9), are adopted in
7 full;
- 8 2. Plaintiff’s Motions to Proceed in Forma Pauperis (ECF Nos. 2, 6) are DENIED;
- 9 3. Within thirty days of the filing of this order, Plaintiff shall pay the entire \$402.00 in
10 required fees or face dismissal of the case;
- 11 3. Plaintiff’s Objections to the denial of his Motion to Appoint Counsel (ECF No. 10 at
12 30-31) are OVERRULED; and
- 13 4. This matter is referred back to the assigned magistrate judge for all further pretrial
14 proceedings.

15 **DATED: June 16, 2022**

16
17
18 
19 _____
Troy L. Nunley
United States District Judge