

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

GREGORY SCOTT VAN HUSIEN,
Plaintiff,
v.
CHIEF OF STAFF,
Defendant.

Case No. 2:23-cv-02815-DAD-JDP (PC)

FINDINGS AND RECOMMENDATIONS

PLAINTIFF’S OUTSTANDING MOTIONS
BE DENIED AS MOOT AND THAT THE
CLERK OF COURT BE DIRECTED TO
CLOSE THIS MATTER

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

Plaintiff is a “Three-Striker” within the meaning of Title 28 U.S.C. § 1915(g). *See Van Huisen v. DeSantis*, No. 2:23-cv-01758-WBS-KJN (E.D. Cal.) (dismissed for failure to state a claim); *Van Huisen v. Clinton Administration*, No. 2:23-cv-01596-DJC-KJN (E.D. Cal.) (dismissed for failure to state a claim); *Van Huisen v. Joseph R. Biden*, No. 2:23-cv-00944-DJC-EFB (E.D. Cal.) (dismissed for failure to state a claim). Accordingly, on March 5, 2024, I recommended that plaintiff’s application to proceed *in forma pauperis* be denied. ECF No. 14. Plaintiff was allowed fourteen days to file objections. *Id.* at 3. I also recommended that plaintiff be directed to tender the filing fee within thirty days of any order adopting these recommendations. *Id.*

Plaintiff filed objections but did not tender the filing fee. ECF No. 15. On April 3, 2024, the district judge adopted the findings and recommendations and ordered plaintiff to tender the

1 filing fee within thirty days. ECF No. 20. The district judge referred the matter back to me for
2 further pre-trial proceedings. *Id.*

3 The deadline imposed by the court to tender the filing fee has expired, and plaintiff has
4 neither tendered the filing fee nor otherwise responded to the court's orders.

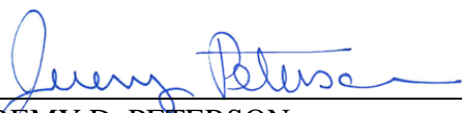
5 Accordingly, it is RECOMMENDED that:

- 6 1. Plaintiff's outstanding motions, ECF Nos. 5, 7, 11, & 21, be denied as moot; and
- 7 2. The Clerk of Court be directed to close this matter.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
10 after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Such a document should be captioned
12 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
13 objections shall be served and filed within fourteen days after service of the objections. The
14 parties are advised that failure to file objections within the specified time may waive the right to
15 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

17
18 IT IS SO ORDERED.

19 Dated: June 4, 2024

20 
21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28