

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

**FILED**

OCT 04 2012

Clerk, U S District Court  
District Of Montana  
Billings

**YOUNG YIL JO,**

**Plaintiff,**

vs.

**SIX UNKNOWN NAMES  
AGENTS or MR. PRESIDENT OF  
THE UNITED STATES BARACK  
OBAMA,**

**Defendants.**

**CV-12-117-BLG-RFC-CSO**

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
U.S. MAGISTRATE JUDGE**

Plaintiff Young Jil Jo, a federal inmate confined in Texas, proceeding without counsel, has filed another frivolous civil rights action. Doc. 1. The United States District Court for the Eastern District of California has recently noted that Plaintiff has filed more than 120 frivolous civil rights cases in that district alone. *Jo v. Six Unknown Names Agents*, 2012 WL 4511417, \*1 (E.D.Cal. Oct. 1, 2012). Since Jo has far exceeded the three strikes allowed by the Prison Litigation Reform Act to a prisoner attempting to proceed in forma pauperis in a federal civil lawsuit, and he cannot show that he qualifies for the “imminent danger of serious physical injury”

exception of Section 1915(g), United States Magistrate Judge Carolyn S. Ostby has recommended this Court dismiss Jo's Complaint, enter judgment against him, and close this case. Doc. 2.


Ordinarily, a party has 14 days to file written objections to a magistrate judge's findings and recommendations. 28 U.S.C. § 636(b)(1). But Jo is not allowed to file objections to Magistrate Judge Ostby's denial of his motion to proceed in forma pauperis. *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam). In any event, this Court must still review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

Here, Magistrate Judge Ostby correctly concluded that Jo has far more than three strikes and that he is not in "imminent danger of serious physical injury." Accordingly, Judge Ostby's recommendation to dismiss the Complaint and close this case is correct and her Findings and Recommendations are adopted in their entirety.

**IT IS HEREBY ORDERED** that Jo's Complaint (doc. 1) is **DISMISSED**.

The Clerk of Court is directed to enter judgment against Jo and close this case.

DATED this 4<sup>th</sup> day of October, 2012.

  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE