IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMISI JERMAINE CALLOWAY,

Plaintiff,

vs.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al.,

Defendants.

_____/

No. 2:16-CV-2532-WBS-CMK-P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for leave to proceed in forma pauperis (Doc. 2).

Pursuant to 28 U.S.C. § 1915(a)(1), the court may grant in forma pauperis status to inmates who establish that they are unable to pay the filing fees. In this case, plaintiff's prison trust account statement indicates that his balance as of April 3, 2017, is $6,369.68. In light of this balance, the court finds that plaintiff has not established that he is unable to pay the filing fees.

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Based on the foregoing, the undersigned recommends that plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) be denied and that plaintiff be required to pay the full filings fees for this action.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within 14 days after being served with these findings and recommendations, any party may file written objections with the court. Responses to objections shall be filed within 14 days after service of objections. Failure to file objections within the specified time may waive the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: August 7, 2018

CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE