UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN W. DUNIGAN,

Plaintiff,

v.

LEE ANN LUNDY,

Defendant.

Case No. 2:26-cv-0285-DAD-JDP (P)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS AND DIRECTING PLAINTIFF TO PAY THE REQUIRED FILING FEE TO PROCEED WITH THIS ACTION

(Doc. Nos. 12, 13)

Plaintiff, a state prisoner proceeding *pro se*, filed this civil rights action on February 2, 2026, 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(c)(17).

On June 1, 2026, the magistrate judge issued findings and recommendations recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. No. 12) be denied pursuant to 28 U.S.C. § 1915(g) because plaintiff has had at least three cases dismissed for failure to state a claim upon which relief can be granted and he had made no showing that he qualified for application of the imminent danger exception to that provision. (Doc. No. 15 at 1-2.)

Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen days. (*Id*. at 2.) Plaintiff has not filed objections to the findings and recommendations and the time in which to do so has passed.

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The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly:

1. The findings and recommendations issued June 1, 2026 (Doc. No. 13), are ADOPTED in full;
2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 12), is DENIED and plaintiff is directed to tender the required filing fee to proceed with this action within thirty (30) days of this order's entry;
3. Plaintiff is forewarned that his failure to pay the required filing fee within the time provided will result in the dismissal of this action; and
4. This matter is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: **November 6, 2026**

Dale A. Drozd

DALE A. DROZD
UNITED STATES DISTRICT JUDGE