

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cramer v. Macomber

Cramer · No. 1:25-cv-00489 JLT SAB (PC) · Decided May 29, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations concerning Matthew B. Cramer’s application to proceed in forma pauperis. The court determined that Plaintiff had accumulated three qualifying strikes under 28 U.S.C. § 1915(g) and had not shown imminent danger of serious physical injury. The court denied in forma pauperis status and directed Plaintiff to pay the \$405 filing fee within 30 days of service or face dismissal without prejudice.

OPINION

(PC) Cramer v. Macomber

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 MATTHEW B. CRAMER, Case No. 1:25-cv-00489 JLT SAB (PC) 12 Plaintiff, ORDER
ADOPTING FINDINGS AND

RECOMMENDATIONS, DENYING

13 v. PLAINTIFF’S APPLICATION TO PROCEED

IN FORMA PAUPERIS, AND DIRECTING

14 JEFF MACOMBER, et al., PLAINTIFF TO PAY FILING FEE WITHIN
20 DAYS

15 Defendants. (Docs. 2, 9) 16 17 Matthew B. Cramer seeks to proceed in forma pauperis in this
action, in which he alleges 18 the defendants—including the CDCR director, Inspector General,
the warden of Norther Kern 19 State Prison, and several correctional officers—violated his civil
rights while housed at NKSP. 20 (Doc. 1.) Plaintiff requests to proceed in forma pauperis in this
action. (Doc. 2.) 21 The magistrate judge reviewed Plaintiff’s litigation history and identified
three actions 22 that qualified as strikes under 28 U.S.C. § 1915(g). (Doc. 9 at 2.) In addition, the
magistrate 23 judge found Plaintiff’s “allegations fail to demonstrate imminent danger of serious
physical injury 24 at the time of filing.” (Id. at 3.) In so finding, the magistrate judge observed that
Plaintiff’s 25 imminent danger allegations were based on past dangers while housed at NSKP and
were 26 speculative in nature. (Id. at 3-4.) Therefore, the magistrate judge found the imminent

danger 27 exception to Section 1915 does not apply and recommended that the Court deny the motion to 28 proceed in forma pauperis. (Id. at 5.) 1 The Court served the Findings and Recommendations on Plaintiff and notified him that 2 | any objections were due within 14 days. (Doc. 9 at 5.) The Court advised Plaintiff the “failure to 3 | file any objections within the specified time may result in the waiver of certain rights on appeal.” 4 | Ud. at 5, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file 5 | objections and the time to do so has passed. 6 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. 7 | Having carefully reviewed the matter, the Court concludes the Findings and Recommendations 8 || are supported by the record and proper analysis. Thus, the Court ORDERS: 9 1. The Findings and Recommendations filed on May 2, 2025 (Doc. 9) are 10 ADOPTED in full. 11 2. Plaintiff's motion to proceed in forma pauperis (Doc. 2) is DENIED. 12 3. Within 30 days from the date of service of this order, Plaintiff SHALL pay in full 13 the \$405.00 to proceed with his action. 14 Plaintiff is advised that failure to pay the required filing fee as ordered will result in 15 the dismissal of this action without prejudice. 16 7 IT IS SO ORDERED. 1g | Dated: _May 28, 2025 Charis [Tourn
TED STATES DISTRICT JUDGE
19 20 21 22 23 24 25 26 27 28