

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Robert Smyth v. Yeon Lee, M.D.

Smyth v. Lee · No. 1:25-cv-01285-BAM (PC) · Decided September 30, 2025

OPINION

Robert Smyth v. Yeon Lee, M.D.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ROBERT SMYTH, Case No. 1:25-cv-01285-BAM (PC) 12 Plaintiff, ORDER DIRECTING
CLERK OF COURT TO

RANDOMLY ASSIGN DISTRICT JUDGE TO

13 v. ACTION

14 YEON LEE, M.D., FINDINGS AND RECOMMENDATIONS

THAT PLAINTIFF’S MOTION FOR LEAVE

15 Defendant. TO PROCEED IN FORMA PAUPERIS BE

DENIED

16 (ECF No. 2) 17

FOURTEEN (14) DAY DEADLINE

18 19 Plaintiff Robert Smyth (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights
20 action pursuant to 42 U.S.C. § 1983. 21 Plaintiff initiated this action on September 29, 2025.
(ECF No. 1.) Plaintiff also filed a 22 motion to proceed in forma pauperis pursuant to 28 U.S.C. §
1915, which included a certified 23 copy of his prison trust account statement. (ECF No. 2.) 24
Examination of Plaintiff’s trust account statement reveals that Plaintiff is able to afford the 25
costs of this action. Specifically, Plaintiff’s current available balance in his inmate trust account 26
is \$35,898.52. (ECF No. 2.) In addition, Plaintiff repeatedly states in his application to proceed 27
in forma pauperis that he will pay the filing the fee. (Id. at pp. 1-3.) 28 Accordingly, the Court
HEREBY ORDERS the Clerk of the Court to randomly assign 1 District Judge to this action. 2
Further, it is HEREBY RECOMMENDED that: 3 1. The motion to proceed in forma pauperis,
(ECF No. 2), be DENIED; and 4 2. Plaintiff be ORDERED to pay the \$405.00 initial filing fee in
full to proceed with this 5 action. 6 These Findings and Recommendations will be submitted to the
United States District 7 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. §
636(b)(l). Within 8 fourteen (14) days after being served with these Findings and
Recommendations, Plaintiff may 9 file written objections with the court. The document should be

captioned “Objections to 10 Magistrate Judge’s Findings and Recommendations.” Objections, if any, shall not exceed 11 fifteen (15) pages or include exhibits. Exhibits may be referenced by CM/ECF document 12 and page number if already in the record before the Court. Any pages filed in excess of the 13 15-page limit may not be considered. Plaintiff is advised that failure to file objections within 14 the specified time may result in the waiver of the “right to challenge the magistrate’s factual 15 findings” on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). 17 IT IS SO ORDERED. 18 19 Dated: September 30, 2025 /s/ Barbara A. McAuliffe _
UNITED STATES MAGISTRATE JUDGE
20 21 22 23 24 25 26 27 28