Accordingly, IT IS HEREBY RECOMMENDED that:

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1. Plaintiff's application to proceed in forma pauperis be denied; and

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2. Plaintiff be provided twenty-one days within which to pay the initial filing fee of \$350.00.

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 fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. <u>Id.</u>; <u>see also Local Rule 304(b)</u>. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. <u>Turner v. Duncan</u>, 158 F.3d 449, 455 (9th Cir. 1998); <u>Martinez v. Ylst</u>, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

DATED: June 21, 2010

KENDALL J. NEWMAN

UNITED STATES MAGISTRATE JUDGE