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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Harry Byrd, III,

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Plaintiff,

No. CV09-2424-PHX-DGC

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v.

ORDER

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People of Color Network, et al.,

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Defendants.

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Plaintiff filed this matter on November 19, 2009. On December 16, 2009, the Court denied Plaintiff's motion to proceed in forma pauperis (Dkt. #7). After the Court granted Plaintiff's motion to extend the time for him to pay the filing fee, Plaintiff filed a motion for reconsideration of the Court's December 16, 2009 order (Dkt. #10). On February 23, 2010 Plaintiff was directed to file an amended motion to proceed in forma pauperis (Dkt. #12). Plaintiff was advised that failure to comply with the order could result in the dismissal of this action. Plaintiff has failed to comply with the Court's February 23, 2010 order and has not submitted an amended motion, nor has Plaintiff paid the required filing fee or demonstrated that he qualifies for in forma pauperis status.

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United States Magistrate Judge David K. Duncan has issued a report and recommendation ("R&R") recommending that this action be dismissed. Dkt. #13. No objection has been filed, which relieves the Court of its obligation to review the R&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). The Court will accept

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1 the R&R and dismiss this action.

2 **IT IS ORDERED:**

- 3 1. The R&R (Dkt. #13) is **accepted**.
4 2. A certificate of appealability and leave to proceed *in forma pauperis* on appeal
5 are **denied**
6 3. The Clerk is directed to **terminate** this action.

7 DATED this 4th day of May, 2010.

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David G. Campbell
United States District Judge