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

<b>ROYCE KEVIN HOUSTON,</b>	)	<b>1:06-CV-1318 AWI YNP SMS</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER ADOPTING FINDINGS AND RECOMMENDATION</b>
	)	
<b>v.</b>	)	<b>ORDER DENYING MOTION TO DISMISS</b>
	)	
<b>A. SCHWARZENEGGER, et al.,</b>	)	<b>ORDER REQUIRING PLAINTIFF TO PAY FILING FEE</b>
	)	
<b>Defendants.</b>	)	<b>(Document #28 &amp; #33)</b>
	)	

Plaintiff is a state prisoner who is proceeding with a civil rights action pursuant to 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.

On October 23, 2009, the Magistrate Judge filed Findings and Recommendations, recommending that the court deny Defendants' motion to dismiss but order Plaintiff to pay the filing fee for this action. The Findings and Recommendations gave notice that any party could file objections within thirty days. On December 14, 2009, Plaintiff filed objections. On January 19, 2009, Plaintiff filed a supplement to his objections.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) this court has conducted a de novo review of this case. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983). Having carefully reviewed the entire file, the court finds the Findings and

1 Recommendations to be supported by the record and by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations filed October 23, 2009, are ADOPTED IN
- 4 FULL;
- 5 2. Plaintiff's IFP status is REVOKED;
- 6 3. Defendants' motion to dismiss is DENIED;
- 7 4. Plaintiff is ORDERED to pay the remaining balance of the \$350.00 filing fee
- 8 within thirty days of this order's date of service; and
- 9 5. Plaintiff is forewarned that failure to pay the filing fee will result in this action's
- 10 dismissal.

11  
12 IT IS SO ORDERED.

13 **Dated: February 9, 2010**

13 **/s/ Anthony W. Ishii**  
14 **CHIEF UNITED STATES DISTRICT JUDGE**