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

REX CHAPPELL,

Plaintiff,

vs.

1: 06 CV 1378 OWW WMW PC

ORDER RE MOTION (DOC 29)

J. NEUBARTH, et al.,

Defendants.

On December 11, 2007, findings and recommendations were entered, recommending that Plaintiff's application to proceed in forma pauperis be denied pursuant to 28 U.S.C. §1915(g). The recommendation was based upon Plaintiff's failure to file a response to the November 5, 2007, order to show cause. On December 12, 2007, Plaintiff filed a response to the order to show cause.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The December 11, 2007, findings and recommendations are vacated.
- 2. The November 5, 2007, order to show cause is discharged.

IT IS SO ORDERED.

Dated: February 5, 2009

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE