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

JASON SAUNDERS,

Plaintiff,

v.

MATTHEW CATE, et al.,

Defendants.

NO. 1:06-cv-01567 AWI WMW PC

ORDER GRANTING IN PART
PLAINTIFF’S MOTION FOR
RECONSIDERATION

(ECF No. 30)

ORDER REFERRING ACTION TO
U.S. MAGISTRATE JUDGE
GARY S. AUSTIN

Plaintiff is a state prisoner proceeding pro se in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Pending before the Court is Plaintiff’s motion for reconsideration of the April 6, 2010, order dismissing this action for Plaintiff’s failure to pay the filing fee.

Relevant Procedural History

On February 2, 2009, findings and recommendations were entered, recommending that Plaintiff’s in forma pauperis status be revoked pursuant to 28 U.S.C. § 1915(g), and Plaintiff be directed to pay the filing fee.¹ On March 17, 2009, the findings and recommendations were adopted, and Plaintiff was denied leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g). On March 23, 2009, Plaintiff was granted an extension of time to file objections to the

¹Subsequent to the entry of the findings and recommendations, the assigned Magistrate Judge retired. The Court will therefore refer this action to a different Magistrate Judge.

1 findings and recommendations. On March 31, 2009, Plaintiff filed objections to the findings and
2 recommendations. On February 25, 2010, an order was entered, denying Plaintiff's motions for
3 joinder and consolidation, and granting Plaintiff an extension of time in which to pay the filing
4 fee. On April 6, 2010, this action was dismissed without prejudice for Plaintiff's failure to pay
5 the filing fee. Plaintiff seeks reconsideration of the dismissal on the ground that the Court did
6 not consider the March 31, 2009, objections. A review of the record reveals that the objections
7 were not considered.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Plaintiff's motion for reconsideration is granted in part. This matter is referred to the
10 assigned Magistrate Judge to consider the March 31, 2009, objections and, if necessary, submit
11 supplemental findings and recommendations.

12 2. This matter is referred to U.S. Magistrate Judge Gary S. Austin. The new case number
13 is **1:06-cv-01567 AWI GSA PC**, and shall be used on all correspondence.

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15 IT IS SO ORDERED.

16 Dated: March 25, 2011

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19 CHIEF UNITED STATES DISTRICT JUDGE
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