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

JAMES RASPBERRY,

Plaintiff,

vs.

1: 08 CV 1767 OWW WMW PC

ORDER

A. TREVINO, et al.,

Defendants.

On January 13, 2009, findings and recommendations were entered, recommending dismissal of this action for Plaintiff's failure to comply with a court order. Plaintiff was directed to submit an application to proceed in forma pauperis or submit the \$350 filing fee for this action. Plaintiff has submitted the \$350 filing fee.

Accordingly, IT IS HEREBY ORDERED that the January 13, 2009, findings and recommendations are vacated.

IT IS SO ORDERED.

Dated: February 18, 2009

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE