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

MICHAEL LENOIR SMITH,

Plaintiff,

vs.

SGT. GREEN,

Defendant.

CASE NO. 1:09-CV-0600 AWI DLB PC

ORDER VACATING FINDINGS
AND RECOMMENDATIONS

[Doc. 7]

Plaintiff Michael Lenoir Smith (“Plaintiff”) is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On June 11, 2009, the Court issued a Findings and Recommendations recommending that this action be dismissed for Plaintiff’s failure to obey a court order requiring him to pay the filing fee or submit an application to proceed in forma pauperis within forty-five days. (Doc. 7.) Shortly after the Findings and Recommendations were issued, Plaintiff submitted an application to proceed in forma pauperis, and the Court granted Plaintiff’s application to proceed in forma pauperis. (Docs. 8, 10.) Accordingly, the Court vacates the Findings and Recommendations recommending dismissal of this action.

IT IS SO ORDERED.

Dated: August 12, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE