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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	ROBERT E. BARRETT,	1:09-cv-01741-LJO-GSA-PC	
12	Plaintiff,	FINDINGS AND RECOMMENDATIONS, RECOMMENDING THAT PLAINTIFF'S	
13	v.	MOTION TO PROCEED IN FORMA PAUPERIS BE DENIED	
14	M. CATE, et al.,	(Doc. 7.)	
15	Defendants.	OBJECTIONS, IF ANY, DUE IN 30 DAYS	
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17	Plaintiff Robert E. Barrett ("Plaintiff") is a state prisoner proceeding pro se in this civil rights		
18	action pursuant to 42 U.S.C. § 1983, filed on October 5, 2009. (Doc. 1.) On October 28, 2009,		
19	Plaintiff filed a motion to proceed in forma pauperis and a copy of his prison trust account statement		
20	pursuant to 28 U.S.C. § 1915. (Doc. 7.)		
21	Examination of Plaintiff's application to proceed in forma pauperis reveals that Plaintiff is		
22	able to afford the costs of this action. Specifically, Plaintiff's account statement reflects a balance		
23	of \$694.13 on October 2, 2009, and according to prison records, the average balance in the account		
24	for the most recent 6-month period was \$456.43. (Doc. 7 at 3, 5.) The filing fee for this action is		
25	\$350.00.		
26	Accordingly, it is HEREBY RECOMMENDED that:		
27	1. Plaintiff's motion to proceed in forma pauperis be denied; and		
	1. Plaintiff's motion to p	······································	
28	-	pay the \$350.00 filing fee in full.	

1	These Findings and Recommendations will be submitted to the United States District Judge
2	assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within thirty (30)
3	days after being served with these Findings and Recommendations, the parties may file written
4	objections with the court. The document should be captioned "Objections to Magistrate Judge's
5	Findings and Recommendations." The parties are advised that failure to file objections within the
6	specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d
7	1153 (9th Cir. 1991).
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9	IT IS SO ORDERED.
10	Dated:October 30, 2009/s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE
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