

1 pay the filing fee for this action and is not entitled to proceed in forma pauperis. The Court will
2 recommend that Plaintiff's application to proceed in forma pauperis be denied and that Plaintiff be
3 ordered to pay the filing fee within sixty (60) days of the date he filed his in forma pauperis
4 application. Plaintiff is forewarned that the failure to pay the filing fee in full will result in dismissal
5 of this action.

6 Accordingly, it is HEREBY RECOMMENDED that:

- 7 1. Plaintiff's application to proceed in forma pauperis be DENIED; and
- 8 2. Plaintiff be required to pay the \$350 filing fee by August 24, 2010 – sixty (60) days
9 after the date on which he filed his in forma pauperis application.

10 These Findings and Recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within thirty (30)
12 days after being served with these Findings and Recommendations, any party may file written
13 objections with the Court and serve a copy on all parties. Such a document should be captioned
14 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
15 shall be served and filed within ten (10) days after service of the objections. The parties are advised
16 that failure to file objections within the specified time may waive the right to appeal the District
17 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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19 IT IS SO ORDERED.

20 **Dated: July 16, 2010**

21 /s/ Sheila K. Oberto
22 UNITED STATES MAGISTRATE JUDGE
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