

declines to adopt the Magistrate Judge's recommendation of dismissal without leave to amend.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Findings and Recommendations filed on April 25, 2012 are **ADOPTED IN PART;**
2. Plaintiff's motion to proceed *in forma pauperis* is **DENIED;** and
3. Plaintiff's complaint is **DISMISSED** with leave to amend. Plaintiff shall have leave to amend within 30 days of entry of this order.

IT IS SO ORDERED.

Dated: July 17, 2012


CHIEF UNITED STATES DISTRICT JUDGE