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

TERRENCE BROWNLEE,

No. CIV S-07-0658-JAM-CMK-P

Plaintiff,

vs.

ORDER

TESS D. POLING,

Defendant.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On May 28, 2009, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 28, 2009, are adopted in full;
2. Defendant's request for judicial notice (Doc. 42-3) is granted;
3. Defendant's motion to dismiss (Doc. 42) is granted, in part;
4. Plaintiff's in forma pauperis status is revoked;
5. The court's June 19, 2007, orders (Docs. 12 and 13) granting in forma pauperis status and directing payment of inmate filing fee are vacated; and
6. Within 30 days of the date of this order, plaintiff shall pay the full filing fee of \$350.00.

DATED: July 27, 2009

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE

/wimb07cv0658