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

PAUL WINFIELD,

Plaintiff,

No. 2:09-cv-0636 JAM KJN P

vs.

ARNOLD SCHWARZENEGGER,

Defendant.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 27, 2010, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. On October 8, 2010, plaintiff filed untimely objections to the findings and recommendations, and on October 12, 2010, plaintiff filed a letter. Because plaintiff was in isolation for three months without access to writing materials, the court will consider plaintiff's untimely objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire

1 file, the court finds the findings and recommendations to be supported by the record and by
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed August 27, 2010, are adopted in full;
- 5 2. Defendant's July 20, 2010, motion (Dkt. No. 44) is partially granted; and
- 6 3. Plaintiff's in forma pauperis status is revoked and he is directed to pay in full
7 the \$350.00 filing fee within 21 days from the filing of this order. Plaintiff is cautioned that
8 failure to pay the filing fee may result in the dismissal of this action.

9 DATED: January 25, 2011

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11 /s/ John A. Mendez
12 UNITED STATES DISTRICT JUDGE
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